

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, ZTE (USA), INC., SAMSUNG ELECTRONICS CO., LTD.,
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO. LTD.,
HUAWEI INVESTMENT & HOLDING CO. LTD.,
HUAWEI TECH. INVESTMENT CO. LTD., and
HUAWEI DEVICE (HONG KONG) CO. LTD.,

Petitioner

v.

Cywee Group Ltd.

(record) Patent Owner

IPR2018-01257

Patent No. 8,552,978

PETITIONER GOOGLE'S OBJECTIONS TO EXHIBIT 2018

Petitioner Google LLC respectfully submits these five objections to Exhibit 2018 under 37 C.F.R. § 42.64(b)(1).

Exhibit	Objections
2018	<p>FRE 802 – The exhibit is an unsworn statement by an unknown person that makes certain assertions as statements of fact, and is not subject to any exceptions to the hearsay rule.</p> <p>FRE 901 – On the telephone conference of July 26, 2019, CyWee indicated its intent to rely on Ex. 2018 as “evidence”. CyWee has offered no evidence that the exhibit is a document that would qualify as evidence.</p> <p>FRE 1006 — On the telephone conference of July 26, 2019, CyWee indicated its intent to rely on Ex. 2018 as a summary of evidence under FRE 1006. FRE 1006, however, requires that the summarized evidence be “voluminous”, such that it cannot be conveniently examined in court. Here, CyWee is not summarizing evidence, but its own arguments (for example, by presenting legal conclusions in dispute like “Admitted RPI Relationship” and “Party is time-barred”). Furthermore,</p>

underlying evidence providing basic facts, like dates of service, is neither “voluminous” nor inconvenient to examine by the PTAB.

37 C.F.R. 42.53(a) — to the extent Ex. 2018 represents the statement of a person, it is not in the form of an affidavit or declaration (*i.e.*, it is not signed under oath).

FRE 701 and 702 — to the extent Ex. 2018 represents the statement of a person, it by a person that has not been qualified to provide opinions concerning the legal conclusions found in Ex. 2018.

Date: <u>Friday, July 26, 2019</u>	<u>/Matthew A. Smith/ (RN 49,003)</u> Matthew A. Smith SMITH BALUCH LLP 1100 Alma St., Ste 109 Menlo Park, CA (202) 669-6207 smith@smithbaluch.com <i>Counsel for Petitioner Google LLC</i>
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing Petitioner Google LLC's Objections to Exhibit 2018 was served by electronic mail on Friday, July 26, 2019, on all counsel of record at the USPTO having the following addresses:

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