

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Apple Inc.
Petitioner

v.

Qualcomm Incorporated
Patent Owner

Case IPR2018-01315
Patent 8,063,674

**PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1)
TO EVIDENCE SERVED**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Qualcomm Incorporated (“Qualcomm” or “Patent Owner”) files these objections to evidence served by Petitioner Apple Inc. (“Apple” or “Petitioner”) with the Petitioner Reply on July 18, 2019. These objections are being timely filed within 5 business days of service of the evidence.

1. Exhibit 1018

37 C.F.R. § 42.65(b)

Qualcomm objects to all portions of Exhibit 1018 that reference SPICE circuit simulations because Petitioner has not provided the affidavit required under 37 C.F.R. § 42.65(b). Under this rule, “[i]f a party relies on a technical test or data from such a test, the party must provide an affidavit explaining: (1) Why the test or data is being used; (2) How the test was performed and the data was generated; (3) How the data is used to determine a value; (4) How the test is regarded in the relevant art; and (5) Any other information necessary for the Board to evaluate the test and data.” No such affidavit has been provided.

37 C.F.R. § 42.51(b)(1)(i)

Qualcomm objects to all portions of Exhibit 1018 that reference SPICE circuit simulations because Petitioner has not provided the referenced SPICE circuit simulations as routine discovery required under 37 C.F.R. § 42.51(b)(1)(i). Under this rule, “any exhibit cited in a paper or in testimony must be served with the citing

paper or testimony.” Exhibit 1018 refers to SPICE circuit simulations, but Petitioner did not serve the referenced SPICE circuit simulations with the exhibit.

Respectfully submitted,

Dated: July 25, 2019

/Joseph M. Sauer/
Joseph M. Sauer (Reg. No. 47,919)

*Attorney for Patent Owner
Qualcomm Incorporated*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) TO EVIDENCE SERVED was served on July 25, 2019 by email, as follows:

IPR39521-0053IP2@fr.com

IPR39521-0053IP1@fr.com

PTABInbound@fr.com

axf-ptab@fr.com

rozylowicz@fr.com

riffe@fr.com

holt2@fr.com

wreichel@fr.com

Dated: July 25, 2019

/Joseph M. Sauer/
Joseph M. Sauer (Reg. No. 47,919)

*Attorney for Patent Owner
Qualcomm Incorporated*