

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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Panasonic Corporation of North America *et al.*

Petitioners

v.

Cellspin Soft, Inc.

Patent Owner

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CASE: IPR2019-00131

Patent No. 9,258,698

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**PETITIONERS' OBJECTIONS TO EVIDENCE SUBMITTED WITH  
PATENT OWNER'S PRELIMINARY RESPONSE**

Case No. IPR2019-00131

Patent No. 9,258,698

Pursuant to 37 C.F.R. § 42.64(b), Petitioners hereby object to the following evidence submitted by Patent Owner with its Preliminary Response filed in IPR2019-131 on January 30, 2019. These objections are timely filed pursuant to 37 C.F.R. § 42.64(b)(1).

Evidence	Objections
Ex. 2001 (AIRcable User Manual)	<p><b>FRE 401, 402, 403:</b> As applied by Patent Owner, Exhibit 2001 is not relevant to this proceeding, because it is not relied upon by Petitioner as prior art to the Challenged Claims and it purports to describe a device that has no apparent relation to the '698 Patent or to any of the prior art or arguments raised by Petitioner. For the same reasons, any probative value associated with Exhibit 2001 is substantially outweighed by a danger of confusing the issues.</p> <p><b>FRE 802:</b> Patent Owner apparently is attempting to use Exhibit 2001 for the truth of the matters asserted therein. <i>See</i> Preliminary Response at 40. Exhibit 2001 is thus hearsay, and as no hearsay exception applies, it is inadmissible.</p> <p><b>FRE 901, 902:</b> Exhibit 2001 is not self-authenticating under FRE 902, and Patent Owner has not produced evidence sufficient to support a finding that it is what Patent Owner says it is.</p>
Ex. 2002 (U.S. Patent No. 9,398,891)	<p><b>FRE 401, 402, 403:</b> As applied by Patent Owner, Exhibit 2002 is not relevant to this proceeding, because it is not relied upon by Petitioner as prior art to the Challenged Claims and has no apparent relation to the '698 Patent or to any of the prior art or arguments raised by Petitioner. For the same reasons, any probative value associated with Exhibit 2002 is thus substantially outweighed by a danger of</p>

	confusing the issues.
Ex. 2003 (Silicon Labs UG103.10)	<p><b>FRE 401, 402, 403:</b> Exhibit 2003 is undated; accordingly, Patent Owner has not established its relevance to any material issues in this proceeding. For the same reasons, any probative value associated with Exhibit 2003 is substantially outweighed by a danger of confusing the issues.</p> <p><b>FRE 802:</b> To the extent that Patent Owner is attempting to use Exhibit 2003 for the truth of the matters asserted therein, Exhibit 2003 is hearsay, and as no hearsay exception applies, it is inadmissible.</p> <p><b>FRE 901, 902:</b> Exhibit 2003 is not self-authenticating under FRE 902, and Patent Owner has not produced evidence sufficient to support a finding that it is what Patent Owner says it is.</p>
Ex. 2004 (IEEE Part 15.4)	<p><b>FRE 401, 402, 403:</b> Exhibit 2004 is not relevant to this proceeding, as it is not cited in Patent Owner's Preliminary Response. Furthermore, it is dated no earlier than 2011, several years after the asserted priority date of the Challenged Claims, and is thus irrelevant. For the same reasons, any probative value associated with Exhibit 2004 is substantially outweighed by a danger of confusing the issues.</p> <p><b>FRE 802:</b> To the extent that Patent Owner attempts to use Exhibit 2004 for the truth of the matters asserted therein, it is hearsay, and as no hearsay exception applies, it is inadmissible.</p>
Ex. 2005 (NIST Glossary)	<p><b>FRE 401, 402, 403:</b> Exhibit 2005 is dated in 2013, several years after the asserted priority date of the Challenged Claims, and is thus irrelevant. For the same reasons, any probative value associated with Exhibit 2005 is substantially outweighed by a danger of confusing the issues.</p>

<p>Ex. 2007 (District Court Order)</p>	<p><b>FRE 401, 402, 403:</b> For the reasons explained more fully in Petitioners' Reply to Patent Owner's Preliminary Response (Paper 10), the District Court's ruling that the Challenged Claims are unpatentable under Section 101, which Patent Owner currently is appealing, is irrelevant to this <i>inter partes</i> review proceeding.</p>
<p>Ex. 2008 (Wireless Communications and Networks)</p>	<p><b>FRE 401, 402, 403:</b> Patent Owner cites to Exhibit 2008 for its characterization of Bluetooth; however, both Petitioners and Patent Owner have submitted portions of the Bluetooth specifications as evidence (Exhibits 1017, 1020, 2006). Accordingly, any probative value associated with Exhibit 2004 is substantially outweighed by a danger of confusing the issues.</p> <p><b>FRE 802:</b> Patent Owner apparently is attempting to use Exhibit 2008 for the truth of the matters asserted therein. <i>See</i> Preliminary Response at 40. Exhibit 2008 is thus hearsay, and as no hearsay exception applies, it is inadmissible.</p> <p><b>FRE 901, 902:</b> Exhibit 2008 is not self-authenticating under FRE 902, and Patent Owner has not produced evidence sufficient to support a finding that it is what Patent Owner says it is.</p>

Dated: May 13, 2019

Respectfully submitted,

By: \_\_\_\_\_ / T. Vann Pearce, Jr. /

T. Vann Pearce, Jr.  
Lead Counsel for Petitioners Panasonic  
Corporation of North America and  
Panasonic Corporation

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Petitioners' Objections to Evidence Submitted with Patent Owner's Preliminary Response was served on May 13, 2019 via electronic service:

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