

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MPH TECHNOLOGIES OY,
Patent Owner,

Case IPR2019-00819
Patent 7,620,810

PATENT OWNER'S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner MPH Technologies Oy hereby objects to the following documents submitted by Petitioner Apple Inc.

Nothing in this paper should be construed as an admission that any rights of Patent Owner would have been waived or forfeited had the paper or any objection herein not been filed, or that 37 C.F.R. § 42.64(b) applies to any of the objections herein if § 42.64(b) would not otherwise apply. The objections herein are premised upon § 42.64 potentially being determined to apply to the document in question, and are submitted solely to preserve the rights of Patent Owner should § 42.64(b) be determined to apply.

1. Exhibit 1002

Under FRE 401/402/403/702, this document or documents include testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant’s testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant’s opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten. Under FRE 602/701/801/802 and 37 C.F.R. § 42.61, this document or

documents include testimony that is not shown to be based on first-hand knowledge including of how relied-upon data was generated, is based on speculation, and constitutes and contains inadmissible hearsay. Under FRE 401/705 and 37 C.F.R. § 42.65, this document or documents include testimony on patent law and practice.

2. Exhibit 1008

Under FRE 801/802, this document or documents constitute and contain inadmissible hearsay. Under FRE 401/705 and 37 C.F.R. § 42.65, this document or documents do not disclose underlying facts and data. Under FRE 401/402/403, this document or documents are inadmissible as irrelevant because, among other things, they do not form a basis of the instituted grounds, and their probative value is outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 901, this document or documents are inadmissible because they have not been shown to be authenticated or identified. The document or documents are relied upon as evidence of prior art or of common knowledge or understanding of persons in the art at the priority date at issue, but are inadmissible because they have not been shown to qualify as prior art under, inter alia, 35 U.S.C. § 311(b), and there is a lack of supporting documentation to demonstrate common knowledge or understanding as of the priority date.

3. Exhibit 1009

Under FRE 801/802, this document or documents constitute and contain inadmissible hearsay. Under FRE 401/705 and 37 C.F.R. § 42.65, this document or documents do not disclose underlying facts and data. Under FRE 401/402/403, this document or documents are inadmissible as irrelevant because, among other things, they do not form a basis of the instituted grounds, and their probative value is outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 901, this document or documents are inadmissible because they have not been shown to be authenticated or identified.

4. Exhibit 1010

Under FRE 801/802, this document or documents constitute and contain inadmissible hearsay. Under FRE 401/705 and 37 C.F.R. § 42.65, this document or documents do not disclose underlying facts and data. Under FRE 401/402/403, this document or documents are inadmissible as irrelevant because, among other things, they do not form a basis of the instituted grounds, and their probative value is outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 901, this document or documents are inadmissible because they have not been shown to be authenticated or identified.

5. Exhibit 1011

Under FRE 801/802, this document or documents constitute and contain inadmissible hearsay. Under FRE 401/705 and 37 C.F.R. § 42.65, this document or documents do not disclose underlying facts and data. Under FRE 401/402/403, this document or documents are inadmissible as irrelevant because, among other things, they do not form a basis of the instituted grounds, and their probative value is outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 901, this document or documents are inadmissible because they have not been shown to be authenticated or identified.

6. Exhibit 1012

Under FRE 801/802, this document or documents constitute and contain inadmissible hearsay. Under FRE 401/705 and 37 C.F.R. § 42.65, this document or documents do not disclose underlying facts and data. Under FRE 401/402/403, this document or documents are inadmissible as irrelevant because, among other things, they do not form a basis of the instituted grounds, and their probative value is outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 901, this document or documents are inadmissible because they have not been shown to be authenticated or identified.

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.