

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

MPH TECHNOLOGIES OY,
Patent Owner,

Case IPR2019-00820
Patent 7,937,581

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. 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.

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. 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.

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. 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

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