

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ZTE (USA) INC.,

Petitioner,

v.

BELL NORTHERN RESEARCH, LLC,

Patent Owner.

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IPR2019-01365

Patent No. 7,039,435

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

Petitioner ZTE (USA) Inc. objects pursuant to 37 C.F.R. § 42.64(b)(1) to exhibits served in conjunction with Patent Owner's Preliminary Response (Paper 8). The exhibits objected to, and grounds for Petitioner's objections are listed below. Petitioner also objects to Patent Owner's reliance or citation to any objected evidence in its papers. Accordingly, Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) by filing and serving this Paper before the deadline of ten (10) business days of the institution of the trial.

## **I. IDENTIFICATION OF CHALLENGED EVIDENCE AND GROUNDS FOR OBJECTION**

Patent Owner's Preliminary Response relies on the expert declaration of Dr. Horenstein (Ex. 2017). Petitioner objects to Exhibit 2017 because Dr. Horenstein's current declaration is in the form of unsworn testimony in violation of Board rules. 37 C.F.R. § 42.2; *Apple Inc. v. Evolved Wireless LLC*, IPR2016-01229, Paper 27 at 10-11 (PTAB Nov. 30, 2017).

## **II. CONCLUSION**

To the extent that Patent Owner fails to correct the defects identified above, Petitioner may file a motion to exclude under 37 C.F.R. § 42.64(c).

Dated: February 25, 2020

Respectfully Submitted,

/Amol A. Parikh/

Lead Counsel

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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE** was served in its entirety this 25th day of February 2020, by electronic mail on the Patent Owner via its attorneys of record:

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