

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADVANCED MICRO DEVICES, INC.

Petitioner

v.

AQUILA INNOVATIONS INC.

Patent Owner

Case IPR2019-01526
Patent 6,895,519 B2

PATENT OWNER'S EVIDENTIARY OBJECTIONS

Pursuant to 37 C.F.R § 42.64(b)(1), Patent Owner Aquila Innovations Inc. (“Aquila”) objects to the admissibility of evidence served by Petitioner Advanced Micro Devices, Inc. (“AMD”) in connection with its petition filed on September 13, 2019.

Aquila objects, under FRE 402/403, to all references that do not form the basis of the instituted review.

Aquila additionally objects that Exhibit 1003 (Declaration of David Albonesi) provides opinions that are irrelevant under FRE 402, or that their probative value is substantially outweighed by other consideration under FRE 403, including unfair prejudice, confusion of the issue and waste of time. Patent Owner further objects that Exhibit 1003 is hearsay not subject to any exceptions under FRE 802. Aquila objects to paragraphs 36 – 49 of Exhibit 1003 under FRE 402 and 403 because they provide opinions related to purported references that do not form the basis for any instituted ground. Aquila further objects to paragraph 36 under FRE 602 because Dr. Albonesi lacks personal knowledge of the alleged creation of ACPI. Aquila objects to paragraph 41 as hearsay not subject to any exception under FRE 802 and for lack of personal knowledge under FRE 602. Aquila objects to paragraph 44 under FRE 702. Aquila objects to paragraph 43 as hearsay not subject to any exception under FRE 802 and for lack of personal knowledge under FRE 602. Aquila objects to paragraph 47 for lack of personal knowledge regarding

alleged Texas Instruments products under FRE 602. Aquila objects to paragraph 72 under FRE 602 for lack of personal knowledge concerning the purported popularity of Microsoft Windows, and as hearsay not subject to any exception under FRE 802. Aquila objects to paragraph 170 under FRE 602 for lack of personal knowledge of the purported adoption of ACPI in the industry. Aquila objects to paragraph 199 as hearsay not subject to any exception.

Aquila objects to Exhibit 1005 as lacking authentication under FRE 901. Aquila objects to Exhibit 1005 under FRE 802 because it is inadmissible hearsay not subject to any exceptions.

Aquila objects to Exhibit 1010 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground.

Aquila objects to Exhibit 1011 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground.

Aquila objects to Exhibit 1013 under FRE 402 and 403. Aquila's preliminary infringement contentions are not evidence and not relevant to any issue material to patentability in this proceeding. Even if relevant, Exhibit 1013's probative value is outweighed by countervailing considerations, such as unfair prejudice, confusion of the issues, cumulativeness, undue delay, misleading the Board, and wasting time.

Aquila objects to Exhibit 1014 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground.

Aquila objects to Exhibit 1015 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground. Aquila objects to Exhibit 1015 under FRE 802 because it is inadmissible hearsay not subject to any exceptions.

Aquila objects to Exhibit 1016 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground. Aquila objects to Exhibit 1016 under FRE 802 because it is inadmissible hearsay not subject to any exceptions.

Aquila objects to Exhibit 1017 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground. Aquila objects to Exhibit 1017 under FRE 802 because it is inadmissible hearsay not subject to any exceptions.

Aquila objects to Exhibit 1018 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground.

Aquila objects to Exhibit 1020 under FRE 901 because it lacks authentication. Aquila objects to Exhibit 1020 under FRE 802 because it is inadmissible hearsay not subject to any exceptions. Aquila objects to Exhibit 1020

under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground.

Aquila objects to Exhibit 1021 under FRE 601 as lacking foundation and personal knowledge. Aquila objects to Exhibit 1021 under FRE 802 because it is inadmissible hearsay not subject to any exception.

Aquila objects to Exhibit 1022 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground. Aquila objects to Exhibit 1022 under FRE 802 because it is inadmissible hearsay not subject to any exceptions.

Aquila objects to Exhibit 1023 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground. Aquila objects to Exhibit 1023 under FRE 802 because it is inadmissible hearsay not subject to any exceptions.

Aquila objects to Exhibit 1024 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground. Aquila objects to Exhibit 1024 under FRE 802 because it is inadmissible hearsay not subject to any exceptions.

Aquila objects to Exhibit 1025 under FRE 402 and 403 because it is a purported reference that does not form the basis of any instituted ground.

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