UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FLEX LOGIX TECHNOLOGIES INC.,

Petitioner

V.

VENKAT KONDA,

Patent Owner

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Case PGR2019-00037

Patent 10,003,553 B2

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PATENT OWNER'S REPLY TO PETITIONER'S OPPOSITION TO PATENT OWNER'S MOTION TO EXCLUDE EVIDENCE PURSUANT TO 37 C.F.R. § 42.64

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PATENT OWNER'S EXHIBIT LIST 1

Exhibit No.	Description	Previously Submitted
Ex. 2001	CMOS Circuit Design Layout and Simulation, 3rd Edition	X
Ex. 2002	PGR2019-00037 Petition – Paper 1	X
Ex. 2003	PGR2019-00042 Petition – Paper 1	X
Ex. 2004	Venkat Konda Declaration in support of Revised Motion to Amend	X
Ex. 2005	IPR2020-00260 Petition – Paper 1	X
Ex. 2006	Dr. Baker's Declaration in support of the Petition IPR2020-00260 – Ex. 1002	X
Ex. 2007	Dr. Baker's CV in support of the Petition IPR2020-00260 – Ex. 1003	X
Ex. 2008	IPR2020-00260 Patent Owner's Preliminary Response – Paper 8	X
Ex. 2009	Venkat Konda Declaration in Support of Patent Owner's Reply to Petitioner's Opposition to Patent Owner's Revised Motion to Amend	X
Ex. 2010	PGR2019-00040 Petition – Paper 1	X
Ex. 2011	Venkat Konda Declaration in Support of Patent Owner's Reply to Petitioner's Opposition to Patent Owner's Motion to Exclude	

I.   INTRODUCTION

Patent Owner Venkat Konda ("PO") submitted his Motion to exclude the purported evidence based on Dr. Baker's declaration served with the Petition for Post Grant Review ("PGR") PGR2019-00037[1] filed by Flex Logix Technologies Inc. ("Flex Logix" or "Petitioner") on May 20, 2020 ("Motion" or Paper 27). In response, Petitioner conferred with PO and requested to expunge the Motion to exclude, and PO disagreed. In the ensuing conference call with the Board on May 27, 2020, the Board denied Petitioner's request for leave to file a Motion to Expunge Patent Owner's Motion to exclude and ordered Petitioner to file its Opposition to Patent Owner's Motion (Exhibit 1043). Petitioner filed its Opposition to PO's Motion on July 30, 2020 ("Opposition" or Paper 34). PO submits this reply to Petitioner's Opposition and the declaration of Venkat Konda in support, who holds a Ph.D. degree in Computer Science and engineering and, unlike Dr. Baker, has extensive experience in designing, developing, researching, and teaching interconnection networks, for over two decades at the time of the effective priority date of the '553 Patent. *See* Ex. 2011.

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[1] In addition to this PGR, Petitioner submitted the same declaration of Dr. Baker in another PGR2019-00042 filed by the same Petitioner concurrently on U.S. Patent No. 10,003,553 ("the '553 Patent").

II.   PRIOR TO FILING THE PETITIONS, PETITIONER SHOULD HAVE KNOWN THAT DR. BAKER IS NOT QUALIFIED AS A PERSON OF ORDINARY SKILL IN THE ART ("POSITA") ACCORDING TO ITS OWN DEFINITION; PEITIONER SHOULD NOT HAVE FILED DR. BAKER'S DECLARATION UNDER THE PENALTY OF PERJURY; TILL DATE PETITIONER DID NOT PROVIDE ANY EXPERT WITNESS IN SUPPORT OF DR.BAKER'S DECLARATION AND INSTEAD CONTINUES TO WASTE THE BOARD'S AND PATENT OWNER'S ("PO's") RESOURCES

PO submitted his Motion to exclude pursuant to 37 C.F.R. § 42.64, 37 C.F.R. § 42.11, and 37 C.F.R. § 42.51(b)(iii) and requested the Board to exclude Ex. 1002, Ex. 1003 and all the alleged support presented in the Petition based on Ex. 1002 and Ex. 1003. The Board during the May 27, 2020 conference call ordered Petitioner to file an opposition despite Petitioner's arguments of timeliness of the Motion.

In the Motion, PO contended that Dr. Baker is not qualified as a POSITA according to Petitioner's own definition, let alone as expert witness which is very fundamental to the filing of its Petition. PO's contention is not about the sufficiency or the weight of Dr. Baker's declaration. PO's contention is about the admissibility of Dr. Baker's declaration that Dr. Baker is not even qualified as POSITA in view of Petitioner's own definition of POSITA, let alone PO's definition of POSITA. Notably, Dr. Baker is the only supposed witness in support of the Petition.

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