

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

SEVEN NETWORKS, LLC  
Patent Owner

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Case IPR2020-00280  
Patent 10,027,619

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**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 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 106/1001, 35 U.S.C. § 312(a)(3) & (5), and 37 C.F.R. § 42.51(b)(1), this document or documents are incomplete and are not a copy which accurately reproduces the original.

**2. Exhibit 1003**

Under FRE and 37 C.F.R. § 42.65, this document is inadmissible to the extent that it is conclusory and does not disclose the bases for the opinions offered therein. Under FRE 401/402/403/702, this document includes 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 includes 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 does not disclose underlying facts and data. Under FRE 401/705 and 37 C.F.R. § 42.65, this document includes testimony on patent law and practice. Under 37 C.F.R. § 42.6(a)(3), this document is inadmissible to the extent that to it relies upon material not presented in the Petition.

**3. Exhibit 1011**

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.

**4. Exhibit 1014**

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.

Respectfully submitted,

\_\_\_\_\_/ Kenneth J. Weatherwax /\_\_\_\_\_  
Kenneth J. Weatherwax, Reg. No. 54,528  
Lowenstein & Weatherwax LLP

Date: August 28, 2020

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

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

The names and address of the parties being served are as follows:

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Respectfully submitted,

/ Keith Moore /

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Date: August 28, 2020