

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Intel Corporation
Petitioner

v.

ParkerVision, Inc.
Patent Owner

Case No. IPR2020-01265
U.S. Patent No. 7,110,444

**PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH
PATENT OWNER'S SUR-REPLY**

Intel Corporation (“Intel” or “Petitioner”) hereby objects to the following evidence that was submitted by ParkerVision, Inc. (“Patent Owner” or “PO”) with the sur-reply (Paper 26) in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely filed within five (5) business days of service of the evidence submitted with Patent Owner's sur-reply, which was filed and served on September 14, 2021.

A. Exhibit 2022

Intel objects to Exhibit 2022 as not being compliant with 37 C.F.R. § 42.23(b). Exhibit 2022 accompanies the sur-reply and is relied upon in the sur-reply. (Sur-reply, 18, 21 (citing Ex. 2022).). However, Exhibit 2022 is new evidence other than a deposition transcript of the cross-examination of the reply witness. § 42.23(b) (“A sur-reply ... may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness”). Page 9 of Exhibit 2022 introduces further new evidence, citing and reproducing a portion of a reference identified as “Thomas L. Floyd, Principles of Electric Circuits, Fifth Edition, (Prentice-Hall, Inc.), 1997. Ex. 2024.” This reference was not filed as an exhibit in this proceeding, but if filed with the sur-reply, it would also have been new evidence not compliant with § 42.23(b).

To the extent PO asserts that it relied on Exhibit 2022 only to impeach Dr.

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Subramanian at his deposition, Intel further objects to Exhibit 2022 as being improper impeachment evidence. As mentioned above, the sur-reply cites to Exhibit 2022 for its substance. (Sur-reply, 18, 21 (citing Ex. 2022).) Moreover, although pages 7, 24, and 25 of Exhibit 2022 include apparent excerpts of Dr. Subramanian's reply declaration (only the excerpt on page 7 is identified as such), they are mere reproductions with no apparent impeachment purpose. The remainder of Exhibit 2022 is outside the scope of Dr. Subramanian's reply declaration and has no proper impeachment purpose. Exhibit 2022 likewise improperly raises issues outside the scope of the reply. § 42.23(b) ("A sur-reply may only respond to arguments raised in the corresponding reply").

Intel further objects to Exhibit 2022 as being hearsay, irrelevant, lacking foundation, and assuming facts not in evidence. Exhibit 2022 contains factual assertions and/or technical analysis without identifying its source(s). For example, citations on pages 7 and 9 account for only portions of the information on those pages. Citations appearing on pages 23-25 are embedded within excerpts of other documents and do not identify the sources of the excerpts themselves. No other sources are identified in Exhibit 2022. Such unattributed information is irrelevant and consideration would be unfairly prejudicial to Intel. To the extent that this unattributed information constitutes expert opinions, Exhibit 2022 also does not

disclose the identity or credentials of the expert(s) who provided those opinions.

Exhibit 2022 is also incomplete and inaccurate. As identified in Dr. Subramanian's deposition, Exhibit 2022 contains numerous errors and inconsistencies. (See, e.g., Ex. 2028, 40:5-24, 50:3-51:9, 68:15-70:3.) As one example, page 21 says "**Recall that** the energy transferred to a 1 μ F capacitor in 25 ns is $U_C = 0.5$ pJ," suggesting a reference to an earlier portion of the document. However, there is no other portion of Exhibit 2022 that discusses the amount of energy transferred to a 1 μ F capacitor in 25 ns. (*Id.*, 68:15-70:3.) As another example, page 13 indicates that the sum of 0.02 and 0.0005 is 0.02005 rather than the correct value of 0.0205. (*Id.*, 50:3-51:9.) Similarly, page 8 includes a series of mathematical errors based on an incorrect starting value for the voltage (0.0001 V rather than 0.001 V). (*Id.*, 40:5-24.) Consideration of such incomplete and inaccurate information would be prejudicial to Intel.

B. Exhibit 2028

Exhibit 2028 is the deposition transcript of Dr. Subramanian. Intel objects to Exhibit 2028 to the extent that it relies on Exhibit 2022 and other documents that were marked for the deposition but not filed as exhibits in this proceeding. (Ex. 2028, 25:20-80:3 (discussing Ex. 2022), 167:19-175:24, 214:22-217:11 (discussing what was marked for the deposition as Ex. 2023 (not filed)), 186:21-214:21

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(discussing what was marked for the deposition as Ex. 2026 (not filed)), 177:10-183:6 (discussing what was marked for the deposition as Ex. 2027 (not filed)).

Respectfully submitted,

/Grant K. Rowan/

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