

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**BAYERISCHE MOTOREN WERKE AKTIENGESELLSCHAFT &
BMW OF NORTH AMERICA, LLC**
Petitioners

v.

PAICE LLC & THE ABELL FOUNDATION, INC.
Patent Owners

IPR2020-01299
U.S. Patent No. 8,630,761

**PETITIONERS' OBJECTIONS UNDER 37 C.F.R. § 42.64
TO EVIDENCE SUBMITTED WITH PATENT OWNERS' RESPONSE**

Petitioners' Objections to Patent Owners' Evidence
Case IPR2020-01299
U.S. Patent No. 8,630,761

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Bayerische Motoren Werke Aktiengesellschaft & BMW of North America, LLC object to the following exhibits filed with the Patent Owners' Response as follows:¹

Exhibit	Objections
2016	<p>Petitioners object to this exhibit to the extent it relies on or incorporates inadmissible exhibits to which the Petitioners object herein.</p> <p>Fed. R. Evid. 901. Dr. Shahbakhti does not properly authenticate or identify, and does not established the publication date, of certain evidence upon which he relies. (<i>See, e.g.</i>, ¶¶ 52, 54, 67, 82-83, 91, 95-96, 114, 139, 141-142.)</p>
2020	<p>Fed. R. Evid. 402. This exhibit is not relevant to any ground upon which this trial was instituted. For example, the copyright date listed on the document is significantly after the September 14, 1998 priority date of the '761 Patent, which is the date that Dr. Shahbakhti states that he is using for gauging the skill of the art. (<i>See, e.g.</i>, Ex. 2016, ¶29).</p> <p>Fed. R. Evid. 901. Patent Owners' have not properly authenticated or identified this document, and have not established the publication date.</p> <p>Fed. R. Evid. 106. This document is incomplete and includes only a select portion of a larger document.</p>
2029	<p>Fed. R. Evid. 402. This exhibit is not relevant to any ground upon which this trial was instituted.</p>

¹ Petitioners' objections apply equally to Patent Owners' reliance on these exhibits, including in any documents filed in this proceeding.

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	<p>Fed. R. Evid. 901. Patent Owners' have not properly authenticated or identified this document, and have not established the publication date.</p>
2030	<p>Fed. R. Evid. 402. This exhibit is not relevant to any ground upon which this trial was instituted.</p> <p>Fed. R. Evid. 901. Patent Owners' have not properly authenticated or identified this document, and have not established the publication date.</p>
2031	<p>Fed. R. Evid. 402. This exhibit is not relevant to any ground upon which this trial was instituted.</p> <p>Fed. R. Evid. 901. Patent Owners' have not properly authenticated or identified this document, and have not established the publication date.</p>
2032	<p>Fed. R. Evid. 901. Patent Owners' have not properly authenticated or identified this document, and have not established the publication date.</p> <p>Fed. R. Evid. 106. This document is incomplete and includes only a select portion of a larger document.</p>
2033	<p>Fed. R. Evid. 901. Patent Owners' have not properly authenticated or identified this document, and have not established the publication date.</p> <p>Fed. R. Evid. 106. This document is incomplete and includes only a select portion of a larger document.</p>
2034	<p>Petitioners maintain the objections stated in the record at the deposition. Petitioners further object to the misquoting and mischaracterizations of Dr. Davis's deposition testimony throughout the Patent Owner Response.</p>
2035	<p>Fed. R. Evid. 106. This document is incomplete and includes only a select portion of a larger document.</p>

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Dated: April 27, 2021

Respectfully submitted,

/Jeffrey D. Sanok/

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Certificate of Service

Pursuant to 37 C.F.R. § 42.6(e)(4), I certify that the foregoing PETITIONERS' OBJECTIONS UNDER § 42.64 TO EVIDENCE SUBMITTED WITH PATENT OWNERS' RESPONSE was served electronically by filing this document through the PTAB E2E system, as well as by e-mailing copies to the following address for counsel of record for Patent Owners:

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