

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

LOGANTREE LP,
Patent Owner.

Case IPR2022-00040
Patent No. 6,059,576

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to evidence filed with Patent Owner’s Response of December 6, 2022.

<u>Evidence</u>	<u>Objections</u>
Exhibit 2001	<p>Petitioner objects to the admissibility of Exhibit 2001 under FRE 702 and 703, because it contains opinions that are conclusory, do not disclose supporting facts or data, are based on unreliable facts, data, or methods, and/or include testimony outside the scope of Dr. Madisetti’s specialized knowledge (to the extent he has any such knowledge) that will not assist the trier of fact.</p> <p>For example, ¶¶ 45-58 and 60 of Dr. Madisetti’s declaration consist of a series of conclusory statements and arguments that are presented without citation to evidence. Dr. Madisetti’s failure to disclose the underlying facts or data upon which his opinions are based (to the extent any such facts or data exist) renders his opinions unreliable.</p> <p>Petitioner also objects to Exhibit 2001 as containing opinions that are irrelevant, confusing, and presenting the danger of unfair prejudice under FRE 401, 402, and 403.</p> <p>For example, at ¶ 36 of his declaration, Dr. Madisetti presents a “created” figure that he characterizes as being “a</p>

	<p>version of Figure 4” of the ’576 patent “that is useful in interpreting the claims and the prior art of record by a person of ordinary skill in the art (‘POSITA’).” At ¶¶ 37-40, Dr. Madisetti proceeds to suggest, without citation to the ’576 patent itself, that the ’576 patent’s independent claim 1 requires various features that are illustrated in Dr. Madisetti’s “created...version of Figure 4,” but that are nowhere shown in Figure 4 itself. Dr. Madisetti’s created figure is irrelevant, and Dr. Madisetti’s reliance on his own created figure for claim interpretation presents a danger of confusion and unfair prejudice.</p>
--	---

For at least these reasons, Petitioner objects to Exhibit 2001, and reserves the right to move to exclude that Exhibit.

Respectfully submitted,

Dated: December 13, 2022

/Usman Khan/
W. Karl Renner, Reg. No. 41,265
Andrew B. Patrick, Reg. No. 63,471
Kim Leung, Reg. No. 64,399
Usman Khan, Reg. No. 70,439
Fish & Richardson P.C.
60 South Sixth Street. Suite 3200
Minneapolis, MN 55402
T: 202-783-5553

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4)(i) *et seq.*, the undersigned certifies that on December 13, 2022, a complete and entire copy of this Petitioner's Objections to Evidence was provided by electronic mail to the Patent Owner by serving the correspondence e-mail address of record as follows:

David E. Warden, dwarden@azalaw.com
Jason McManis, jmcmanis@azalaw.com
Colin Phillips, cphillips@azalaw.com
jeffrey.wright@azalaw.com

AHMAD, ZAVITSANOS & MENSING P.C.
1221 McKinney, Suite 3460
Houston, TX 77010
(713) 655-1101 (Reception)
(713) 655-0062 (Facsimile)

/Crena Pacheco/
Crena Pacheco
Fish & Richardson P.C.
60 South Sixth Street, Suite 3200
Minneapolis, MN 55402
(617) 956-5938