

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

TELEFONAKTIEBOLAGET LM ERICSSON,
Patent Owner

IPR2022-00338
U.S. Patent 8,995,357

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Submitted Electronically via the Patent Review Processing System

**PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b) TO
PETITIONER'S EVIDENCE SUBMITTED WITH THE PETITION**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Telefonaktiebolaget LM Ericsson ("Patent Owner") respectfully submits the following objections to evidence filed by Petitioner Apple, Inc. ("Petitioner") with the Petition (Paper 2). These objections are timely, as they are being made within ten business days of the institution of the trial (September 9, 2022).

The following chart lists Patent Owner's objections to the admissibility of certain evidence (identified below) that is included within or accompanies the Petition and the basis for those objections:

Objected to Exhibit	Basis for Objection
APPLE-1003 (Wells Dec.)	<p>FRE 801, 802: To the extent Petitioner relies on the contents of APPLE-1003 (including at least ¶¶ 26, 46, 48, 56, 61, 74-87, 115-121, 129-166, 176-177, and 182) for the truth of the matter asserted, Patent Owner objects to APPLE-1003 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception.</p> <p>FRE 602 and 701: Patent Owner objects to APPLE-1003 (including at least ¶¶ 26, 46, 48, 56, 61, 74-87, 115-121, 129-166, 176-177, and 182) under FRE 602 because Petitioner did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed. Patent owner further objects to APPLE-1003 (including at least ¶¶ 26, 46, 48, 56, 61, 74-87, 115-121, 129-166, 176-177, and 182) as improper opinion testimony by a lay witness under FRE 701 because Petitioner has not established the declarant as an expert witness in the subject-matter discussed in at least ¶¶ 26, 46, 48, 56, 61, 74-87, 115-121, 129-166, 176-177, and 182.</p>

	<p>FRE 702 & 703: Patent Owner objects to APPLE-1003 (including at least ¶¶ 26, 46, 48, 56, 61, 74-87, 115-121, 129-166, 176-177, and 182) as improper expert testimony under FRE 702 and 703. The testimony is based on insufficient facts or data, is not the product of reliable principles and methods, and does not reliably apply the appropriate principles and methods to the facts of the case.</p> <p>FRE 901 & 902: Patent Owner objects to APPLE-1003 (including at least ¶¶ 26, 46, 48, 56, 61, 74-87, 115-121, 129-166, 176-177, and 182) as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question are what Patent Owner claims. There is no evidence that the documents are self-authenticating under FRE 902.</p>
APPLE-1005 (R2-072183)	<p>FRE 801, 802: To the extent Petitioner relies on the contents of APPLE-1005 for the truth of the matter asserted, Patent Owner objects to APPLE-1005 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception.</p> <p>FRE 901 & 902: Patent Owner objects to APPLE-1005 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question are what Patent Owner claims. There is no evidence that the documents are self-authenticating under FRE 902.</p>
APPLE-1007 (R2-071762)	<p>FRE 801, 802: To the extent Petitioner relies on the contents of APPLE-1007 for the truth of the matter asserted, Patent Owner objects to APPLE-1007 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception.</p> <p>FRE 901 & 902: Patent Owner objects to APPLE-1007 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question are what Patent Owner claims. There is no evidence that the documents are self-authenticating under FRE 902.</p>
APPLE-1012 (R2-071911)	<p>FRE 801, 802: To the extent Petitioner relies on the contents of APPLE-1012 for the truth of the matter asserted, Patent</p>

	<p>Owner objects to APPLE-1012 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception.</p> <p>FRE 901 & 902: Patent Owner objects to APPLE-1012 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question are what Patent Owner claims. There is no evidence that the documents are self-authenticating under FRE 902.</p>
APPLE-1018 (R2-071337)	<p>FRE 801, 802: To the extent Petitioner relies on the contents of APPLE-1018 for the truth of the matter asserted, Patent Owner objects to APPLE-1018 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception.</p> <p>FRE 901 & 902: Patent Owner objects to APPLE-1018 as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question are what Patent Owner claims. There is no evidence that the documents are self-authenticating under FRE 902.</p>
APPLE-1035 (Rodermund Dec.)	<p>FRE 801, 802: To the extent Petitioner relies on the contents of APPLE-1035 (including at least ¶¶ 20-25 and 28-84 (including cited internet address and screenshots / images) and Appendices B-I)) for the truth of the matter asserted, Patent Owner objects to APPLE-1035 as inadmissible hearsay under FRE 801 and 802 that does not fall under any exception.</p> <p>FRE 602 and 701: Patent Owner objects to APPLE-1035 (including at least ¶¶ 20-25 and 28-84 (including cited internet address and screenshots / images) and Appendices B-I)) under FRE 602 because Petitioner did not introduce sufficient evidence to establish that the witness has personal knowledge of the matters discussed. Patent owner further objects to APPLE-1035 (including at least ¶¶ 20-25 and 28-84 (including cited internet address and screenshots / images) and Appendices B-I)) as improper opinion testimony by a lay witness under FRE 701 because Petitioner has not established the declarant as an expert witness in the subject-matter</p>

	<p>discussed in at least ¶¶ 20-25 and 28-84 (including cited internet address and screenshots / images) and Appendices B-I.</p> <p>FRE 702 & 703: Patent Owner objects to APPLE-1035 (including at least ¶¶ 20-25 and 28-84 (including cited internet address and screenshots / images) and Appendices B-I)) as improper expert testimony under FRE 702 and 703. The testimony is based on insufficient facts or data, is not the product of reliable principles and methods, and does not reliably apply the appropriate principles and methods to the facts of the case.</p> <p>FRE 901 & 902: Patent Owner objects to APPLE-1035 (including at least ¶¶ 20-25 and 28-84 (including cited internet address and screenshots / images) and Appendices B-I)) as not properly authenticated under FRE 901 because Petitioner has not presented evidence sufficient to support a finding that the document in question are what Patent Owner claims. There is no evidence that the documents are self-authenticating under FRE 902.</p>
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