

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**SILICON LABORATORIES, INC.**  
**Petitioner**

**v.**

**CRESTA TECHNOLOGY CORPORATION**  
**Patent Owner**

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**CASE IPR2015-00626**  
**Patent 7,265,792**

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**PATENT OWNER'S OBJECTIONS TO EXHIBITS 1053-1061 & 1063**  
**PURSUANT TO 37 C.F.R. § 42.64**

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Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

CASE IPR2015-00626  
Patent 7,265,792

## I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of Cresta Technology Corporaion, (“Patent Owner”), hereby submits the following objections to Exhibits 1053-1061 and 1063. Pursuant to 37 C.F.R. § 42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“F.R.E.”), among other things.

## II. OBJECTIONS TO EVIDENCE

### A. GENERAL OBJECTIONS

Patent Owner objects to each and every exhibit, and/or portion thereof, not previously cited in Petitioner's petition. For example, Patent Owner objects that, since such material was not cited in the Petition, it has no alleged relevance to the issues on which trial has been instituted. *See, e.g.*, Institution decision, IPR2015-00615, paper 9, at page 25 (“FURTHER ORDERED that *inter partes* review is *not instituted* with respect to any other ground of unpatentability”). Further, Patent Owner objects on the same grounds to each and every portion of any exhibit, including declarations, included with Petitioner's reply that is not cited in the reply paper. Since this material was not discussed in a substantive paper, Patent Owner had no opportunity to respond to Petitioner’s purported contentions (if any) regarding the same. Accordingly, such material is irrelevant and its consideration would be prejudicial. F.R.E. 401, 402, 403.

Patent Owner objects to each and every exhibit that is not a complete copy of the subject exhibit pursuant to F.R.E. 106, 403 and 901.

Patent Owner objects to each and every exhibit for which no party has offered any personal knowledge as to the facts contained in that exhibit, under F.R.E. 602.

Patent Owner objects to each and every exhibit that Petitioner purports to offer for the truth of the matter asserted, under F.R.E. 801, 802, and 805. Petitioner presents no evidence establishing any exceptions to the rules against hearsay.

Patent Owner objects to each and every exhibit that is not authenticated, under F.R.E. 901.

Patent Owner objects each and every exhibit on the grounds and to the extent it seeks to belatedly present evidence. Trial Practice Guide, part II, § I; 37 C.F.R. 42.23(b).

Patent Owner objects to each and every exhibit that was not properly taken, sought, or filed in accordance with the rules for such evidence in IPRs. 37 C.F.R. 42.61.

Patent Owner objects to each and every exhibit on the grounds and to the extent it presents evidence in an improper form, under 37 C.F.R. 42.63.

Patent Owner objects to each and every exhibit that purports to include expert opinions for which the factual bases for those opinions have not been

disclosed, or for which the expert used unreliable analysis or methods, under F.R.E. 702 and 703, and 37 C.F.R. § 42.65.

Patent Owner objects to each and every exhibit on the grounds and to the extent it seeks present unauthorized Supplemental Evidence, under, 37 C.F.R. 42.123.

Patent Owner objects to each and every exhibit on the grounds and to the extent it seeks to offer expert opinions on patent law or legal conclusions regarding the same. Trial Practice Guide, 77 Fed. Reg. 48756 at 48733.

**B. OBJECTIONS TO EXHIBIT 1053 AND ANY REFERENCE TO/RELIANCE THEREON**

Patent Owner hereby objects to Ex. 1053, which purports to be a copy of US Patent No. 6,369,857.

Grounds for objection: 37 C.F.R. § 42.23(b) (improper reply evidence), 37 C.F.R. § 42.61 (Admissibility of evidence), 37 C.F.R. § 42.123 (improper supplemental evidence), F.R.E. 402 (Relevance), F.R.E. 403 (Excluding relevant evidence for prejudice, confusion, waste of time, or other reasons), F.R.E. 801, 802 (Impermissible hearsay), F.R.E. 805 (Hearsay within hearsay), Trial Practice Guide, part II, § I, (Belated presentation of evidence). This exhibit is not timely presented. This exhibit is irrelevant, cumulative, and/or prejudicial to the issues on which IPR is progressing. See also the discussion of objections based on these rules in II.A above, incorporated herein by reference.

**C. OBJECTIONS TO EXHIBIT 1054 AND ANY REFERENCE TO/RELIANCE THEREON**

Patent Owner hereby objects to Ex. 1054, which purports to be excerpts from an IEEE dictionary.

Grounds for objection: 37 C.F.R. § 42.23(b) (improper reply evidence), 37 C.F.R. § 42.61 (Admissibility of evidence), 37 C.F.R. § 42.123 (improper supplemental evidence), F.R.E. 106 (Completeness), F.R.E. 402 (Relevance), F.R.E. 403 (Excluding relevant evidence for prejudice, confusion, waste of time, or other reasons), F.R.E. 602 (Lack of personal knowledge), F.R.E. 801, 802 (Impermissible hearsay), F.R.E. 805 (Hearsay within hearsay), F.R.E. 901 (Authentication), F.R.E. 1006 (Improper summary evidence), Trial Practice Guide, part II, § I; (Belated presentation of evidence). This exhibit is not timely presented. This exhibit is irrelevant, cumulative, and/or prejudicial to the issues on which IPR is progressing. This exhibit reflects statements made without personal knowledge. This exhibit is hearsay for which no applicable exception applies. See also the discussion of objections based on these rules in II.A above, incorporated herein by reference.

**D. OBJECTIONS TO EXHIBIT 1055 AND ANY REFERENCE TO/RELIANCE THEREON**

Patent Owner hereby objects to Ex. 1055, which purports to be a Satellite Receiver User Guide.

Grounds for objection: 37 C.F.R. § 42.23(b) (improper reply evidence), 37 C.F.R. § 42.61 (Admissibility of evidence), 37 C.F.R. § 42.123 (Improper supplemental evidence), F.R.E. 106 (Completeness), F.R.E. 402 (Relevance), F.R.E. 403 (Excluding relevant evidence for prejudice, confusion, waste of time, or other reasons), F.R.E. 602 (Lack of personal knowledge), F.R.E. 801, 802 (Impermissible hearsay), F.R.E. 805 (Hearsay within hearsay), F.R.E. 901 (Authentication), F.R.E. 1006 (Improper summary evidence), Trial Practice Guide, part II, § I; (Belated presentation of evidence). This exhibit is not timely presented. This exhibit is irrelevant, cumulative, and/or prejudicial to the issues on which IPR is progressing. This exhibit reflects statements made without personal knowledge. This exhibit is hearsay for which no applicable exception applies. See also the discussion of objections based on these rules in II.A above, incorporated herein by reference.

**E. OBJECTIONS TO EXHIBIT 1059 AND ANY REFERENCE TO/RELIANCE THEREON**

Patent Owner hereby objects to Ex. 1059, which purports to be a document entitled “TV & Video Engineer's Reference Book.”

Grounds for objection: 37 C.F.R. § 42.23(b) (improper reply evidence), 37 C.F.R. § 42.61 (Admissibility of evidence), 37 C.F.R. § 42.123 (improper supplemental evidence), F.R.E. 106 (Completeness), F.R.E. 402 (Relevance), F.R.E. 403 (Excluding relevant evidence for prejudice, confusion, waste of time, or

other reasons), F.R.E. 602 (Lack of personal knowledge), F.R.E. 801, 802 (Impermissible hearsay), F.R.E. 805 (Hearsay within hearsay), F.R.E. 901 (Authentication), F.R.E. 1006 (Improper summary evidence), Trial Practice Guide, part II, § I; (Belated presentation of evidence). This exhibit is not timely presented. This exhibit is irrelevant, cumulative, and/or prejudicial to the issues on which IPR is progressing. This exhibit reflects statements made without personal knowledge. This exhibit is hearsay for which no applicable exception applies. See also the discussion of objections based on these rules in II.A above, incorporated herein by reference.

**F. OBJECTIONS TO EXHIBIT 1060 AND ANY REFERENCE TO/RELIANCE THEREON**

Patent Owner hereby objects to Ex. 1060, which purports to be the deposition transcript on Ion Opris.

Grounds for objection: 37 C.F.R. § 42.23(b) (improper reply evidence); 37 C.F.R. § 42.61 (Admissibility of evidence), 37 C.F.R. § 42.123 (improper supplemental evidence), Trial Practice Guide, part II, § I; (Belated presentation of evidence). Additionally, all of the objections made on the record are maintained. To the extent that any exhibits, arguments, or theories were presented for the first time during this deposition, Patent Owner objects to same as untimely. See also the discussion of objections based on these rules in II.A above, incorporated herein by reference.

**G. OBJECTIONS TO EXHIBIT 1061 AND ANY REFERENCE  
TO/RELIANCE THEREON**

Patent Owner hereby objects to Ex. 1061, which purports to be a reply declaration of Douglas Holberg.

Grounds for objection: 37 C.F.R. § 42.61 (Admissibility of Evidence), 42.65 (Expert testimony entitled to no weight), F.R.E. 104 (Admissibility conditioned on fact), F.R.E. 402 (Relevance), F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons), F.R.E. 602 (Lack of personal knowledge), F.R.E. 702, 703 (Unreliable expert testimony), F.R.E. 801, 802 (Impermissible Hearsay), F.R.E. 805 (Hearsay within hearsay), F.R.E. 1006 (Improper summary evidence), Trial Practice Guide, 77 Fed. Reg. 48756 at 48733 (Discussion of patent law). This exhibit includes information that is not timely presented. This exhibit is irrelevant, cumulative, and/or prejudicial to the issues on which IPR is progressing. This exhibit improperly seeks to present new evidence, argument and/or theories. This document includes material not cited in any of Petitioners substantive papers. This document includes expert testimony regarding patent law and legal conclusions and argument regarding same. This exhibit reflects statements made without personal knowledge. This exhibit includes hearsay for which no applicable exception applies. See also the discussion of objections based on these rules in II.A above, incorporated herein by reference.



**H. OBJECTIONS TO EXHIBIT 1063 AND ANY REFERENCE  
TO/RELIANCE THEREON**

Patent Owner hereby objects to Ex. 1063, which purports to be a supplemental reply declaration of Douglas Holberg.

Grounds for objection: 37 C.F.R. § 42.61 (Admissibility of Evidence), 42.65 (Expert testimony entitled to no weight), F.R.E. 104 (Admissibility conditioned on fact), F.R.E. 402 (Relevance), F.R.E. 403 (Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons), F.R.E. 602 (Lack of personal knowledge), F.R.E. 702, 703 (Unreliable expert testimony), F.R.E. 801, 802 (Impermissible Hearsay), F.R.E. 805 (Hearsay within hearsay), F.R.E. 1006 (Improper summary evidence), Trial Practice Guide, 77 Fed. Reg. 48756 at 48733 (Discussion of patent law). This exhibit includes information that is not timely presented. This exhibit is irrelevant, cumulative, and/or prejudicial to the issues on which IPR is progressing. This exhibit improperly seeks to present new evidence, argument and/or theories. This document includes material not cited in any of Petitioners substantive papers. This document includes expert testimony regarding patent law and legal conclusions and argument regarding same. This exhibit reflects statements made without personal knowledge. This exhibit includes hearsay for which no applicable exception applies. See also the discussion of objections based on these rules in II.A above, incorporated herein by reference.

### III. CONCLUSION

For at least these reasons, the Patent Owner objects to Exs. 1053-1061 and 1063.

Date: February 18, 2016

Respectfully submitted,

/Michael R. Fleming /

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**CERTIFICATE OF SERVICE**  
**BY ELECTRONIC MAIL**

Pursuant to 37 C.F.R. § 42.6, the undersigned certifies that on February 18, 2016, a copy of the foregoing document **PATENT OWNER'S OBJECTIONS TO EXHIBITS 1053-1061 & 1063 PURSUANT TO 37 C.F.R. § 42.64** were served by electronic mail, as agreed to by the parties, upon the following:

<i>Lead Counsel for Petitioner</i> <b>SILICON LABORATORIES, INC.</b>	<i>Back-up Counsel for Petitioner</i> <b>SILICON LABORATORIES, INC.</b>
<p style="text-align:center">Peter Ayers <a href="mailto:peter@leehayes.com">peter@leehayes.com</a></p> <p style="text-align:center"><b>LEE &amp; HAYES, PLLC</b> 13809 Research Blvd., Suite 405 Austin, Texas 78750</p>	<p style="text-align:center">John Shumaker <a href="mailto:jshumaker@leehayes.com">jshumaker@leehayes.com</a></p> <p style="text-align:center">Brian Mangum <a href="mailto:brianm@leehayes.com">brianm@leehayes.com</a></p> <p style="text-align:center"><b>LEE &amp; HAYES, PLLC</b> 13809 Research Blvd., Suite 405 Austin, Texas 78750</p>

/Michael R. Fleming /  
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