

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
Petitioner,

v.

PRESIDENT AND FELLOWS OF HARVARD COLLEGE,
Patent Owner.

Case No. IPR2017-00664
U.S. Patent No. 8,334,016

**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SERVED WITH PATENT OWNER PRESIDENT AND FELLOWS OF
HARVARD COLLEGE'S PRELIMINARY RESPONSE TO PETITION FOR
INTER PARTES REVIEW**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner General Electric Company, hereby objects as follows to the admissibility of evidence with Patent Owner President and Fellows of Harvard College's Response to Petition for *Inter Partes* review of U.S. Patent No. 8,334,016 (IPR2017-00664). The objections stated below are to the evidence as presented by Patent Owner. As detailed below, Patent Owner has not necessarily established the admissibility of Exhibits 2101-2119.

Evidence	Objections
Exhibit 2101	<p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 602: Paragraphs 26-45, 48-50, 54, 56, 60, 65-170, 172, 174, 176-233, 239-272, 274-275, and 277-282 of the exhibit include assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matters asserted.</p> <p>FRE 701/702/703: Paragraphs 26-45, 48-50, 54, 56, 60,</p>

Evidence	Objections
	<p>65-170, 172, 174, 176-233, 239-272, 274-275, and 277-282 of the exhibit include opinions that are not admissible under FRE 701, 702, and/or 703, or <i>Daubert v. Merrell Dow Pharms., Inc.</i>, 509 U.S. 579 (1993).</p> <p>FRE 705 / 37 C.F.R. § 42.65: The exhibit includes expert testimony that does not disclose the underlying facts or data.</p> <p>FRE 801/802: The exhibit includes inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 1006: The exhibit provides an improper summary of the evidence.</p>
Exhibit 2102	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed</p>

Evidence	Objections
	<p>by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2103	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p>

Evidence	Objections
	<p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2104	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>

Evidence	Objections
	<p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Exhibit 2105</p>	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>

Evidence	Objections
Exhibit 2106	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2107	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p>

Evidence	Objections
	<p>FRE 106: The exhibit violates the rule of completeness.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2108	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 106: The exhibit violates the rule of completeness.</p> <p>FRE 401-402: The exhibit is not relevant to any ground</p>

Evidence	Objections
	<p>upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2109	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed</p>

Evidence	Objections
	<p>by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2110	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p>

Evidence	Objections
	<p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2111	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>

Evidence	Objections
	<p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
<p>Exhibit 2112</p>	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>

Evidence	Objections
Exhibit 2113	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2114	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p>

Evidence	Objections
	<p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2115	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 106: The exhibit violates the rule of completeness.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p>

Evidence	Objections
	<p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2116	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues,</p>

Evidence	Objections
	<p>undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2117	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 106: The exhibit violates the rule of completeness.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p>

Evidence	Objections
	<p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>
Exhibit 2118	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>

Evidence	Objections
Exhibit 2119	<p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 401-402: The exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>FRE 801/802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Patent Owner has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.</p>

Dated: August 7, 2017

Respectfully submitted,



Jeremy Jason Lang (Reg. No. 73,604)
Lead Counsel for Petitioners
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065
Telephone: 650-802-3237

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made on the Patent Owner as detailed below.

<i>Date of Service</i>	August 7, 2017
<i>Manner of Service</i>	Electronic Mail
<i>Documents Served</i>	Petitioner's Objections to Admissibility of Evidence Served with Patent Owner President and Fellows of Harvard College's Preliminary Response to Petition for <i>Inter Partes</i> Review
<i>Persons Served</i>	<u>Patent Owner's Counsel of Record</u> Reza Mollaaghababa, Lead Counsel USPTO Reg. No. 43,810 Pepper Hamilton LLC 125 High Street 19th Floor, High Street Tower Boston, MA 02110 mollaaghababar@pepperlaw.com BN_Harvard-IPR@pepperlaw.com

Dated: August 7, 2017

Respectfully submitted,



Jeremy Jason Lang
Lead Counsel for Petitioner
Registration No. 73,604
Weil, Gotshal & Manges LLP
201 Redwood Shores Parkway
Redwood Shores, CA 94065-1134
Telephone: 650-802-3237