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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICRON TECHNOLOGY, INC.  
Petitioner

v.

PRESIDENT & FELLOWS OF HARVARD COLLEGE  
Patent Owner

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

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner hereby objects to the following evidence submitted by Petitioner prior to institution of IPR2017-00664 of U.S. Patent No. 8,334,016. These objections are being timely filed pursuant to 37 C.F.R. § 42.64(b)(1) within ten (10) business days from the Institution Decision dated July 24, 2017.

Patent Owner objects to Exhibits 1021-1037, 1039, 1040, and 1043-1059 on the ground of lack of foundations as Petitioner has failed to provided sufficient explanation of what the exhibit is or what it allegedly shows as none of these exhibits have been cited or discussed in the Petition.

Patent Owner objects to Exhibits 1021-1037, 1039, 1040, and 1043-1059 on the ground that Petitioner has failed to establish the relevance of these exhibits pursuant to FRE 401-402 as none of these exhibits have been cited or discussed in the Petition.

Patent Owner additionally objects to Exhibits 1021-1037, 1039, 1040, and 1043-1059 as an improper incorporation by reference pursuant to 37 C.F.R. §42.6(a)(3) because they are only cited in the Declaration of Dr. Banerjee (Ex. 1003), but they are not cited or discussed in the Petition. *See e.g., Cisco Sys., Inc. v. C-Cation Techs., LLC*, IPR2014-00454, Paper 12 at 7-9 (PTAB August 29, 2014) (informative) (holding that using footnotes in a petition to refer to portions of another document, without sufficient explanation of those portions, amounts to

incorporation by reference); *citing DeSilva v. DiLeonardi*, 181 F.3d 865, 866-67 (7th Cir. 1999) (Incorporation “by reference amounts to a self-help increase in the length of the [] brief[,]” and “is a pointless imposition on the court’s time. A brief must make all arguments accessible to the judges, rather than ask them to play archeologist with the record.”).

Patent Owner reserves the right to present further objections to these or additional exhibits submitted by Petitioner, as allowed by the applicable rules or other authority.

Dated: August 7, 2017

Respectfully submitted,  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 7, 2017, a true and accurate copy of this paper, PATENT OWNER'S OBJECTIONS TO EVIDENCE, was served on the following counsel for Petitioner via email:

Jeremy Jason Lang (jason.lang@weil.com)  
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Dated: August 7, 2017

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