

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PALO ALTO NETWORKS., FORTINET, INC., and
WATCHGUARD TECHNOLOGIES, INC.

Petitioners,

v.

SELECTIVE SIGNALS, LLC

Patent Owner.

Case IPR2018-00594

U.S. Patent No. 8,111,629 B2

**PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE
UNDER 37 C.F.R. § 42.64**

Petitioners Palo Alto Networks, Inc., Fortinet, Inc. and Watchguard Technologies (“Petitioners”) object under the Federal Rules of Evidence and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following exhibits submitted by Selective Signals, LLC. (“Patent Owner”) in support of its Patent Owner’s Sur-reply to Petitioners’ Reply filed March 11, 2019 (Paper 29):

Ex. 2006, Carnegie Mellon Handbook (2018)

EX. 2007, Cisco Voice over IP (VOIP) (February 12, 2014)

Ex. 2008, File History, U.S. Application No. 11/497,002 (Pappu)

Ex. 2009, Intra-and Inter-Session Network Coding in Wireless Networks (IEEE Article) (2010)

Ex. 2010, IETF SIP Standard, Parts 1 through 4 (2002)

Ex. 2011, Intro to OSI (June 29, 2018)

Ex. 2012, Palo Alto Networks Firewall Session Overview (February 7, 2019)

Ex. 2014, U.S. Patent Number 9,077,702

Ex. 2015, File History, U.S. Patent Number 8,111,629

Ex. 2016, How SIP Works in VoIP (SIP) (March 8, 2019)

Ex, 2017, Cisco VOIP Per Call Bandwidth Consumption (March 11, 2019)

Patent Owner served its Patent Owner’s Sur-reply to Petitioners’ Reply on March 11, 2019 (Sur-reply). Petitioners’ objections are timely under 37 C.F.R. §

42.64(b)(1). By serving these objections on Patent Owner, Petitioners reserve their right to file motions to exclude these exhibits under 37 C.F.R. § 42.64(c).

I. Carnegie Mellon Handbook (Ex. 2006) (2018)

Petitioners object to the admissibility of the Carnegie Mellon Handbook under FRE 401, 402, and 403 as irrelevant, unfairly prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the ’629 Patent and thus is not relevant to the state of the art at the time of the ’629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the Carnegie Mellon Handbook as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

Patent Owner has also failed to establish that the Carnegie Mellon Handbook Reference is what Patent Owner claims it is, and has failed to authenticate Exhibit 2006 under FRE 901.

II. Cisco Voice Over IP (VoIP) (Ex. 2007) (February 12, 2019)

Petitioners object to the admissibility of the Cisco Voice Over IP reference under FRE 401, 402, and 403 as irrelevant, unfairly prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of

the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the ’629 Patent and thus is not relevant to the state of the art at the time of the ’629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the Cisco Voice Over IP reference as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

Patent Owner has also failed to establish that the Cisco Voice Over IP reference is what Patent Owner claims it is, and has failed to authenticate Exhibit 2007 under FRE 901.

III. File History, U.S. Application No. 11/497,002 (Pappu) (Ex. 2008)

Petitioners object to the admissibility of the reference under FRE 401, 402, and 403 as irrelevant, unfairly prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42.

Petitioners object to the admissibility of the File History of U.S. Application No. 11/497,002 (Pappu) as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

IV. Intra-And Inter-Session Network Coding In Wireless Networks (IEEE Article) (Ex. 2009) (2010)

Petitioners object to the Intra-and Inter-Session Network Coding in Wireless Networks (IEEE Article) under FRE 401, 402, and 403 as irrelevant, prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the ’629 Patent and thus is not relevant to the state of the art at the time of the ’629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the IEEE Article as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

Patent Owner has also failed to establish that the IEEE Article is what Patent Owner claims it is, and has failed to authenticate Exhibit 2009 under FRE 901.

V. IETF SIP Standard, Parts 1 Through 4 (Ex. 2010) (2002)

Petitioners object to the admissibility of the reference under FRE 401, 402, and 403 as irrelevant, unfairly prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the IETF SIP Standard, Parts 1 through 4, because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a). Patent Owner has also failed to establish that the IETF SIP Standard reference is what Patent Owner claims it is, and has failed to authenticate Exhibit 2020 under FRE 901.

VI. Intro To OSI (Ex. 2011) (June 29, 2018)

Petitioners object to the admissibility of the Intro to OSI under FRE 401, 402, and 403 as irrelevant, unfairly prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the ’629 Patent and thus is not relevant to the state of the art at the time of the ’629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the Intro to OSI reference as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

Patent Owner has also failed to establish that the Intro to OSI reference is what Patent Owner claims it is, and has failed to authenticate Exhibit 2011 under FRE 901.

VII. Palo Alto Networks Firewall Session Overview (Ex. 2012) (February 7, 2019)

Petitioners object to the admissibility of the Palo Alto Networks Firewall Session Overview under FRE 401, 402, and 403 as irrelevant, unfairly prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the ’629 Patent and thus is not relevant to the state of the art at the time of the ’629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the Palo Alto Networks Firewall Session Overview reference as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

Patent Owner has also failed to establish that the Palo Alto Networks Firewall Session Overview reference is what Patent Owner claims it is, and has failed to authenticate Exhibit 2012 under FRE 901.

VIII. U.S. Patent Number 9,077,702 (Ex. 2014)

Petitioners object to the admissibility of U.S. Patent Number 9,077,702 under FRE 401, 402, and 403 as irrelevant, unfairly prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the ’629 Patent and thus is

not relevant to the state of the art at the time of the '629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the 9,077,702 Patent as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a); 37.

IX. File History, U.S. Patent Number 8,111,629 (Ex. 2015)

Petitioners object to the admissibility of the file history for U.S. Patent Number 8,111,629 as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

X. How SIP Works In VOIP (Ex. 2016) (March 18, 2019)

Petitioners object to the admissibility of the How SIP Works in VoIP under FRE 401, 402, and 403 as irrelevant, prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the '629 Patent and thus is not relevant to the state of the art at the time of the '629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the How SIP Works in VoIP reference as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

Patent Owner has also failed to establish that the How SIP Works in VoIP reference is what Patent Owner claims it is, and has failed to authenticate Exhibit 2016 under FRE 901.

**XI. Cisco VOIP Per Call Bandwidth Consumption (Ex. 2017)
(March 11, 2019)**

Petitioners object to the admissibility of Cisco VOIP Per Call Bandwidth Consumption under FRE 401, 402, and 403 as irrelevant, prejudicial, misleading, and of minimal probative value. The Sur-reply fails to include “a detailed explanation of the significance of the evidence” as required by 37 C.F.R. §§ 42.22, 42. The reference was published well after the priority date of the ’629 Patent and thus is not relevant to the state of the art at the time of the ’629 Patent. The exhibit is also inadmissible hearsay under FRE 801 and 802.

Petitioners object to the admissibility of the Cisco VOIP Per Call Bandwidth Consumption reference as untimely because Patent Owner should have introduced it in its Patent Owner Response. See 37 C.F.R. § 42.120(a).

Patent Owner has also failed to establish that the Cisco VOIP Per Call Bandwidth Consumption reference is what Patent Owner claims it is, and has failed to authenticate Exhibit 2017 under FRE 901.

Respectfully submitted,

Dated: March 18, 2019

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CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.6(e), that service was made of the Petitioners' Objections to Patent Owner's Evidence on the Attorneys for Petition Owner as detailed below, on March 18, 2019, via The PTAB's E2E filing system and Electronic Mail:

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