UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

QUALCOMM INCORPORATED,
Patent Owner

Case IPR2018-01249
Patent 7,693,002

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 CFR § 42.64(b), Petitioner, Apple Inc., hereby submits its notice of objections to certain evidence that Patent Owner, Qualcomm, Inc. submitted in connection with IPR2018-01249.

Petitioner objects to Exhibit 2004 (Declaration of Donald Alpert, Ph.D in IPR2015-00148). Exhibit 2004 is a declaration Dr. Alpert submitted on behalf of a different party (not Apple), in a different *Inter Partes Review*, and in reference to a different patent. *See* Exhibit 2004 at ¶1. Furthermore, in IPR2015-00148 both experts agreed that the patent in question (the '122 patent) was describing a periodic clock. The only point at issue in the construction of the term was whether "clock," in regard to the '122 patent, was limited to a "digital system." *See* Exhibit 2004 at ¶¶6-16.

Petitioner objects to Exhibit 2004 as Dr. Alpert's declaration in regard to IPR2015-00148 is irrelevant to the determination of the broadest reasonable interpretation of the term "clock signal" as it is used in the '002 patent, an analysis that must be based first and foremost on the claims and specification of the '002 patent (FRE 401/402/403). Furthermore, in Dr. Alpert's declaration in regard to the '122 patent at issue in IPR2015-00148, he does not offer any expert opinion that could reliably be extended to the '002 patent because his opinion was specific to the '122 patent, and consequently, he did not, in Exhibit 2004, lay out any

analysis that could support an expert opinion on the meaning of a term in the '002 Patent (FRE 702). Finally, Patent Owner is relying on statements in Exhibit 2004 that constitute inadmissible hearsay (FRE 801/802).

Patent Owner reserves the right to move to exclude the noted testimony and exhibits.

Date: April 22, 2019

/Timothy W. Riffe/

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Proceeding No.: IPR2018-01249
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CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(1), the undersigned certifies that on April 22, 2019, a complete and entire copy of this Petitioner's Objections to Evidence was provided via email to the Patent Owner by serving the email correspondence addresses of record as follows:

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