

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CISCO SYSTEMS, INC.,

Petitioner,

- vs. -

CENTRIPETAL NETWORKS, INC.,

Patent Owner

IPR2018-01512
U.S. Patent 9,565,213

PETITIONER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64

Petitioner Cisco Systems, Inc. (“Cisco”) objects under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.64 to the admissibility of the following documents submitted by Patent Owner Centripetal Networks, Inc. (“Centripetal”) in its Patent Owner Response (Paper 13) and supporting exhibits:

Exhibit 2004 (Declaration of Dr. Michael Goodrich)

Cisco objects to the admissibility of the Goodrich Declaration for at least the following reasons:

Under FRE 702, Dr. Goodrich’s opinions in his declaration are inadmissible because they are conclusory, are based on improper assumptions about the facts and law in this IPR (including claim construction), do not disclose underlying facts or data in support of his opinions, and are unreliable. In addition, Dr. Goodrich is unqualified as an expert to provide technical opinions of a person skilled in the art. In addition, the opinions in the Goodrich Declaration are irrelevant, improperly rely on exhibits objected to below, are beyond the proper scope of the Petition, and are of minimal probative value under FRE 401, 402 and 403.

For at least these reasons, the Goodrich Declaration is inadmissible under FRE 401, 402, 403 and 702.

Exhibit 2016 (Declaration of Dr. Jonathan Rogers)

Cisco objects to the admissibility of the Rogers Declaration for at least the following reasons:

The information presented in the Rogers Declaration is irrelevant, beyond the proper scope of the Petition, not factually supported, and of minimal probative value under FRE 401, 402 and 403. Further, to the extent that any of Mr. Rogers' testimony is offered as expert testimony, Mr. Rogers's opinions in his declaration are inadmissible because they are conclusory, do not disclose underlying facts or data in support of his opinions, and are unreliable. In addition, Mr. Rogers is unqualified as an expert to provide opinions of a person skilled in the art.

For at least these reasons, the Rogers Declaration is inadmissible under FRE 401, 402, 403 and 702.

Exhibits 2008, 2012 and 2018

Cisco objects to the admissibility of Exhibits 2006-2008, 2010-2015 and 2017-2019 because Centripetal has failed to authenticate them and has failed to establish that these exhibits are what Centripetal claims they are. Thus, Exhibits 2006-2008, 2010-2015 and 2017-2019 are inadmissible under FRE 901. Furthermore, Cisco objects to Exhibits 2006-2008, 2010-2015 and 2019 as hearsay under FRE 801. In addition, Cisco objects to Exhibits 2008 and 2015 as being

incomplete because they include only selected excerpts of the publications from which they were drawn, and thus those exhibits are incomplete under FRE 106.

Exhibit 2021 (Deposition of Eli Fuchs)

Cisco objects to the admissibility of the Fuchs deposition because many of the questions asked in the Fuchs deposition were outside the scope of Mr. Fuchs' direct testimony in his declaration (Exhibit 1012) and because of a lack of foundation for Mr. Fuchs' testimony. Thus, the questioning during the Fuchs deposition violated FRE 602 and 611. Cisco also objects to this testimony under FRE 403. Cisco further objects to any portion of the Patent Owner Response (Paper 15) or any expert testimony from Dr. Goodrich based on the testimony of Mr. Fuchs to which Cisco objects.

Respectfully submitted,

Date: July 15, 2019

/Daniel W. McDonald/
Daniel W. McDonald
Counsel for Petitioner
Registration No. 32,044

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>	July 15, 2019
<i>Manner of service</i>	Electronic Mail (jhannah@kramerlevin.com ; jprice@kramerlevin.com ; mhlee@kramerlevin.com ; bwright@bannerwitcoff.com)
<i>Documents served</i>	PETITIONER'S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64
<i>Served upon</i>	James Hannah Jeffrey H. Price Michael Lee Bradley C.

Date: July 15, 2019

/s/ Jeffrey D. Blake
Counsel for Petitioner