

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner

v.

CARUCEL INVESTMENTS, LP,
Patent Owner

Case IPR2019-01102
Patent 7,848,701

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Volkswagen Group of America, Inc. (“Petitioner”) hereby objects under the Federal Rules of Evidence (“FRE”) to the admissibility of Exhibits 2103, 2106 and 2111, as well as relevant portions of Exhibit 2100, which Carucel Investments, LP (“Patent Owner”) filed with the Patent Owner Response on February 7, 2020.

Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed five business days of the service of Exhibits 2100, 2103, 2106, and 2111. Petitioner files and serves Patent Owner with these objections to provide notice that Petitioner may move to exclude Exhibits 2103, 2106, and 2111, and portions of Exhibit 2100 under 37 C.F.R. § 42.64(c).

Exhibit 2103: Craig Freudenrich, Ph.D. “How Cordless Telephones Work”

(11 December 2000) retrieved from

<https://electronics.howstuffworks.com/cordless-telephone.htm>

Petitioner objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403 (e.g., this document is improperly being used in an attempt to show the functionality of a cordless telephone handset).

To the extent Patent Owner relies on the contents of this document for the truth of the matter asserted, Petitioner also objects to such contents as inadmissible

hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805 or 807.

Petitioner further objects to this document as not properly authenticated under FRE 901, because Patent Owner has not presented sufficient evidence to show that the document is authentic nor that the document is self-authenticating under FRE 902.

Exhibit 2106: Order Denying Plaintiff's Motion for Judgment as a Matter of Law or, in the Alternative, for a New Trial (Case No.: 16-cv-0118-H-KSC)

This document is neither cited nor discussed in either the Patent Owner Response or the accompanying declaration of Patent Owner's expert, Mr. Lanning (Exhibit 2100). As such, this document (a) lacks any tendency to make a fact more or less probable than it would be without this document; (b) is irrelevant; and (c) constitutes unfair prejudice and confuses the issues. See FRE 401, 402, and 403. Accordingly, Petitioner objects to this document under FRE 401, 402 and 403.

Exhibit 2111: "Radio Repeater Station" retrieved from
<http://www2.hawaii.edu/~rtoyama/repeater.html>

Petitioner objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403

(e.g., this document is improperly being used in an attempt to show the functionality of a repeater).

To the extent Patent Owner relies on the contents of this document for the truth of the matter asserted, Petitioner objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805 or 807.

Petitioner further objects to this document as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that the document is authentic nor that the document is self-authenticating under FRE 902.

Exhibit 2100: Declaration of Mark R. Lanning in Support of Patent Owner's Response to the Petition

Petitioner objects to this document to the extent it relies on Exhibits 2103 and 2111 because they are inadmissible under FRE 401, 402, 403, 801, 802, 901, and 902, as discussed above, and/or are inadmissible as not qualified to be the basis for an expert opinion under FRE 703. Therefore, these portions of Exhibit 2100 are inadmissible under FRE 702 and FRE 703. These portions of Exhibit 2100 include at least paragraphs 66 and 70, and the accompanying figures.

Respectfully submitted,

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** was electronically served via e-mail in its entirety on February 14, 2020, upon the following Attorneys for Patent Owner:

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