

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION
Petitioner,

v.

PACT XPP SCHWEIZ AG
Patent Owner

Case IPR2020-00541
U.S. Patent 9,075,605

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

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner, PACT XPP Schweiz AG hereby makes the following objections to the admissibility of document submitted with Petitioner's Petition.

Evidence	Objections
Exhibit 1051 (Deposition Transcript of William Mangione-Smith, dated February 18, 2021)	<p>Patent Owner objects to this exhibit and incorporates all objections in the deposition transcript.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit to the extent it is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p> <p>FRE 801: Patent Owner also objects to this exhibit to the extent it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p>
Exhibit 1052 (Deposition Transcript of William Mangione-Smith, dated January 15, 2021)	<p>Patent Owner objects to this exhibit and incorporates all objections in the deposition transcript.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit to the extent it is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p> <p>FRE 801: Patent Owner also objects to this exhibit to the extent it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p>
Exhibit 1053 (Excerpt from Willey Electrical and Electronics Engineering Dictionary, Steven M. Kaplan (2004))	<p>Patent Owner objects to this exhibit because it improperly introduces new theories, arguments, claim constructions, and evidence for the first time on Reply.</p> <p>FRE 901: Patent Owner objects to this exhibit because Petitioner has failed to establish that this exhibit is what Petitioner claims it is, and has failed to authenticate this</p>

Evidence	Objections
	<p>exhibit.</p> <p>FRE 801: Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803. To the extent that Petitioner attempts to rely on any date that appears on this exhibit to establish public accessibility, the date is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p> <p>Patent Owner also objects to this exhibit because Petitioner fails to establish that this exhibit is publicly available before the priority date of the patent at issue.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because it is not relied on as a reference and is irrelevant, and its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, wasting time, and needlessly presenting cumulative evidence.</p>
<p>Exhibit 1054 (PACT XPP Schweiz AG v. Intel Corp., Case No. 1:19-cv-1006- JDW (D. Del.), Claim Construction Order, Dkt. No. 192)</p>	<p>Patent Owner objects to this exhibit because it improperly introduces new theories, arguments, and evidence for the first time on Reply.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit because its probative value is substantially outweighed by a danger of unfair prejudice.</p>
<p>Exhibit 1055 (Declaration of Carl Sechen in Support of Petitioner's Reply to Patent Owner's Response)</p>	<p>Patent Owner objects to this exhibit because it improperly introduces new theories, arguments, and evidence for the first time on Reply. Admissibility of such declaration would permit Petitioner to violate the requirement that it must include all its theories, arguments, and evidence with its Petition.</p> <p>FRE 401, 402, and 403: Patent Owner objects to this exhibit</p>

Evidence	Objections
	<p>because its probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, and wasting time.</p> <p>FRE 602: Patent Owner objects to this exhibit because Petitioner does not introduce evidence of declarant's personal knowledge of the subject matter of the testimony contained therein.</p> <p>FRE 701 702, and 703: Patent Owner objects to this exhibit because it includes opinion testimony of lay witness without meeting the requirement of FRE 701, Petitioner fails to establish the witness as an expert under FRE 702, includes insufficient facts or data, is not based on a reliable foundation, and constitutes conclusory opinions without sufficient support .</p> <p>FRE 801: Patent Owner also objects to this exhibit because it is hearsay under FRE 801 and does not fall within the hearsay exceptions under FRE 803.</p>

Date: March 12, 2021

Respectfully submitted,
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certify that PATENT OWNER'S OBJECTION TO EVIDENCE was served on March 12, 2021 by filing it through the Patent Review Processing System, as well as by e-mailing copies to:

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