

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FedEx Corporation,  
Petitioner

v.

Intellectual Ventures II LLC,  
Patent Owner

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Case IPR2017-00787  
U.S. Patent No. 7,199,715

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner objects to the admissibility of the following exhibits submitted by Patent Owner, on the grounds set forth below.

Reference to a “rule” herein means the Federal Rules of Evidence.

## **I. OBJECTIONS TO EXHIBIT 2005**

Petitioner objects to Exhibit 2005 in its entirety under Rule 402 (lack of relevance), Rule 403 (misleading, confusing, unfair prejudice, waste of time), Rules 602, 702, and 703 (lack of foundation, speculation, and lack of personal knowledge), Rule 705 and 37 C.F.R. § 42.65 (failure to disclose underlying facts or data), *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), and 37 C.F.R. § 1.68. Among other things, the declarant’s conclusory declaration (1) fails to establish that he has expertise relevant to the subject matter involved in the present proceeding, (2) fails to provide the facts or data upon which he bases his opinions, (3) relies on inadmissible hearsay and unauthenticated evidence, and (4) offers improper legal conclusions. Furthermore, there is no indication that the declarant based his opinions on facts or data upon which an expert in the relevant field would reasonably rely. Moreover, Patent Owner never cites to paragraphs 1-28, 39, 43-45, 52-55, 58-60, 66-69, 71-74, 76, 77, 79-101, 104-106, 108-110, or 112-118 of exhibit 2005. The uncited paragraphs and the opinions stated therein are irrelevant or, in the alternative, prejudicial, confusing, or a waste of time.

Date: November 27, 2017

Respectfully submitted,

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## **CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing **PETITIONER'S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64** was served electronically via e-mail pursuant to 37 C.F.R. § 42.6(e) on November 27, 2017, in its entirety to all parties in the matter, as follows:

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