

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,

Petitioner.

v.

IMPLICIT, LLC,

Patent Owner.

Case IPR2020-00587
U.S. Patent No. 9,591,104

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

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I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Juniper Networks, Inc. (“Petitioner”) hereby objects to the admissibility of the exhibit listed below. These objections are timely under 37 C.F.R.

§ 42.64(b)(1) because they are being filed within ten (10) business days of service of the decision to institute trial on August 10, 2020.

Petitioner reserves the right to present further objections to this or additional exhibits submitted by Patent Owner, as allowed by any applicable rules or other authority, including without limitation upon conclusion of any depositions taken of Patent Owner’s witnesses.

II. OBJECTIONS TO EVIDENCE

Exhibit No.	F.R.E.	Objection(s)
2013	106	Exhibit 2013 is an incomplete part of a deposition transcript whose entirety is not of record in this proceeding. It is therefore inadmissible.
	401, 402, 403	The relevance and probative value of Exhibit 2013 cannot be determined because the exhibit is a limited and incomplete 10-page excerpt of a deposition in a district court proceeding between Implicit and a third party whose transcript apparently contained at least 237 pages. The full transcript is not of

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	602	<p>record in this proceeding. It is therefore inadmissible.</p> <p>To any extent that Dr. Decasper's testimony relies upon or relates to information for which he has no personal knowledge—and this extent cannot be assessed from the limited and incomplete portions filed in this proceeding—those portions of his testimony are inadmissible.</p>
	701, 702	<p>To any extent that Dr. Decasper's testimony is offered as lay or expert opinion—and this extent cannot be assessed from the limited and incomplete portions filed in this proceeding—those portions of his testimony may be inadmissible, for example, for failure to comply with Fed. R. Evid. 701 and 702.</p>
	802	<p>To any extent that Dr. Decasper's testimony relies upon or relates to hearsay—and this extent cannot be assessed from the limited and incomplete portions filed in this proceeding—those portions of his testimony are inadmissible if used to prove the truth of the matter asserted.</p>
	901	<p>To any extent that Dr. Decasper relies on unauthenticated evidence—and this extent cannot be assessed from the limited and incomplete portions filed in this</p>

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		proceeding—those portions of Dr. Decasper's testimony are inadmissible.

In view of the objections, Petitioner also objects to any testimony or argument that purports to rely on any of the aforementioned objected exhibit.

Dated: August 24, 2020

Respectfully submitted,

By: *Jonathan M. Lindsay*

Jonathan M. Lindsay (Reg. No. 45,810)

David McPhie (Reg. No. 56,412)

Dennis Courtney (Admitted *Pro Hac Vice*)

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. sections 42.6 that a complete copy of the **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE UNDER 37 C.F.R. § 42.64(b)(1)** is being served via electronic mail upon the following:

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Dated: August 24, 2020

/Susan M. Langworthy/
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