

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PARUS HOLDINGS, INC.,
Patent Owner.

Case No. IPR2020-00686
U.S. Patent No. 7,076,431

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Parus Holdings, Inc. (“Parus” or “Patent Owner”) hereby objects, as set forth below, to the admissibility of the evidence that Petitioner Apple Inc. (“Petitioner”) has submitted with Petitioner’s Reply to Patent Owner’s Response filed on March 24, 2021 in this matter. These objections are timely filed pursuant to 37 C.F.R. § 42.64(b)(1), as within five business days of service of the evidence to which these objections are directed. Patent Owner asks the Patent Trial and Appeal Board to deny admission and consideration of the Supplemental Declaration of Dr. Loren Terveen (Exhibit 1040) on the following bases.

Evidence	Objections
Exhibit 1040 Supplemental Declaration of Dr. Loren Terveen	FRE 402: This exhibit is not relevant to any ground upon which trial was instituted. FRE 403: This exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 602: This exhibit lacks proper foundation and/or fails to demonstrate personal knowledge. 37 C.F.R. § 42.23(b): This exhibit contains information and testimony which does not respond to arguments raised in the Patent Owner’s response. 37 C.F.R. § 42.123(b): The exhibit is a late submission of supplemental information filed

Evidence	Objections
	<p>without authorization to file a motion to submit the information.</p> <p>37 C.F.R. § 42.6(a)(3): This exhibit contains portions that were improperly incorporated by reference into another document. <i>See Cisco Systems, Inc. v. C-Cation Technologies, LLC</i>, IPR2014-00454, Paper 12, at 9-10.</p>

Patent Owner objects to certain sections of Dr. Loren Terveen’s supplemental declaration. Dr. Terveen claims he is providing this supplemental declaration under the guise of responding to certain issues raised by Patent Owner in Patent Owner’s Response (“POR”). Ex. 1040 at ¶ 1. However, Dr. Terveen does not provide a direct rebuttal to any opinions, nor does he attempt to do so. Ex. 1040 at ¶¶ 2-25. Dr. Terveen could have and should have included all of these opinions in his initial declaration, but chose not to do so.

Because sections A-D of Dr. Terveen’s supplemental declaration provide new opinions that could have been provided in his earlier declaration, and because sections A-D do not directly rebut any argument from the POR or Mr. Occhiogrosso’s declaration, Patent Owner objects to sections A-D of Dr. Terveen’s supplemental declaration.

Dated: March 31, 2021

/Michael J. McNamara/

Michael J. McNamara (Reg. No. 52,017)

Michael T. Renaud (Reg. No. 44,299)

William A. Meunier (Reg. No. 41,193)

Andrew H. DeVoogd (*pro hac vice* to be filed)

MINTZ, LEVIN, COHN, FERRIS, GLOVSKY
AND POPEO, P.C.

One Financial Center

Boston, MA 02111

Telephone: 617-348-1884

Facsimile: 617-542-2241

E-mails: mmcnamara@mintz.com

mtrenaud@mintz.com

wameunier@mintz.com

ahdevoogd@mintz.com

CERTIFICATE OF SERVICE

I certify that a copy of Patent Owner's Objections to Evidence Pursuant to 37 C.F.R. § 42.64 is being served by electronic mail on the following counsel of record:

Lead Counsel

Jennifer C. Bailey (Reg. No. 52,583)
ERISE IP, P.A.
7015 College Blvd., Ste. 700
Overland Park, Kansas 66211
Telephone: (913) 777-5600
Facsimile: (913) 777-5601
Jennifer.Bailey@eriseip.com

Backup Counsel

Adam P. Seitz (Reg. No. 52,206)
ERISE IP, P.A.
7015 College Blvd., Ste. 700
Overland Park, Kansas 66211
Telephone: (913) 777-5600
Facsimile: (913) 777-5601
Adam.Seitz@eriseip.com

Dated: March 31, 2021

/Michael J. McNamara/

Michael J. McNamara (Reg. No. 52,017)