

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KEYSIGHT TECHNOLOGIES, INC.,
Petitioner,

v.

CENTRIPETAL NETWORKS, INC.,
Patent Owner.

IPR2023-00448

Patent 11,012,474

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

Petitioner Keysight Technologies, Inc. hereby objects under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following documents submitted by Centripetal Networks, Inc. (“Patent Owner”) with its Patent Owner’s Response (“POR”) on October 20, 2023 (Paper 20)¹:

- Exhibit 2005 (IBM Webpage – Centripetal Networks X-Force Security)

Ex. 2005 is inadmissible under FRE 901 at least because Patent Owner has failed to authenticate Exhibit 2005 to show that it is what Patent Owner claims it is. Accordingly, by failing to authenticate this exhibit it is inadmissible under FRE 901.

Further, Ex. 2005 is inadmissible under FRE 403. Any probative value of the exhibit is substantially outweighed by unfair prejudice, confusing the issues, and/or wasting time. Moreover, any alleged value is outweighed by the danger of misleading the fact finder because it is extrinsic evidence offered in support of the meaning of the claim term “one or both of the dynamic security policy or one or more of the packet filtering rules of the dynamic security policy were automatically created or altered, by the security policy management server.” To support its interpretation of the meaning of this claim term, Patent Owner relies on extrinsic evidence, which purports to be a third party webpage describing “CleanINTERNET

¹ Petitioner’s objections are timely under 37 C.F.R. § 42.64(b)(1) because they are filed within five (5) business days of evidence to which the objection is directed.

service,” but Centripetal has not established any relevance of that webpage to the meaning of the claim term. (POR at 5, 10, n. 3). Accordingly, reliance on this evidence will mislead the fact finder and confuse the issues set forth in this proceeding.

Petitioner reserves its right to file a motion to exclude this exhibit under 37 C.F.R. § 42.64(c).

Respectfully submitted,

Date: October 27, 2023

/s/ Jonathan I. Detrixhe

Jonathan I. Detrixhe

Reg. No. 68,556

Counsel for Petitioner

CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§ 42.6(e), and pursuant to agreement by the parties that filing with the Board through the Patent Trial and Appeal Case Tracking System (P-TACTS) constitutes electronic service, the undersigned certifies that filing the foregoing **PETITIONER’S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64** on P-TACTS on October 27, 2023 constitutes service on the following Patent Owner’s representatives:

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Date: October 27, 2023

/s/ Jonathan I. Detrixhe

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