

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC.,

Petitioner,

v.

KONINKLIJKE KPN N.V.¹,

Patent Owner

Case No. IPR2023-00526

U.S. Patent No. 9,210,590

**PATENT OWNERS' OBJECTIONS TO EVIDENCE SUBMITTED PRIOR
TO INSTITUTION**

¹ The Petition names only Koninklijke KPN N.V. as Patent Owner, but the patent is co-owned by Koninklijke KPN N.V. and Nederlandse Organisatie voor Toegepast-Natuurwetenschappelijk Onderzoek TNO, on both of whose behalf this Patent Owners' Objections to Evidence is submitted.

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Koninklijke KPN N.V. (“Patent Owner”) respectfully asserts the following objections to the evidence proffered prior to institution of the *inter partes* review filed by Ericsson Inc. (“Petitioner”) regarding the claims of U.S. Patent No. 9,210,590 (the “’590 Patent”). The Federal Rules of Evidence (“FRE”) apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Patent Owner’s objections apply equally to Petitioner’s reliance on or citation to any objected evidence in its papers, including expert declarations. These objections are being served and filed within 10 business days from the institution of trial on October 2, 2023.

Evidence	Objection(s)
Ex. 1003, Haas Declaration ¶¶17-20, 30, 33, 34, 64, and 117	Exhibit 1003 is the Declaration of Dr. Zygmunt J. Haas. Patent Owner objects to ¶¶17-20, 30, 33, 34, 64, and 117 under 37 CFR § 42.65(a): Testimony on United States patent law or patent examination practice is not admissible. In addition, Patent Owner objects to ¶¶17-20, 30, 33, 34, 64, and 117 as inadmissible hearsay under FRE 802, <i>e.g.</i> , because each of those paragraphs states that the declarant has “been informed by counsel” of certain statements.
Ex. 1011, Haas CV	Exhibit 1011 is the <i>Curriculum Vitae</i> of Dr. Zygmunt J. Haas. Patent Owner objects to this exhibit as not authenticated under FRE 901.

Evidence	Objection(s)
Ex. 1012, Xie <i>et al.</i>	Petitioner’s Exhibit 1012 is H. Xie, S. Tabbane and D. J. Goodman, “Dynamic location area management and performance analysis,” Proc. IEEE VTC ’93, pp. 536-539. Patent Owner objects to this exhibit as inadmissible hearsay under FRE 802, <i>e.g.</i>, the purported publication date printed on the reference. <i>See</i> Ex. 1012 at 1. Furthermore, Patent Owner objects to this exhibit as not authenticated under FRE 901. In addition, Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit under 37 CFR §§ 42.6(a)(3) and 42.24(a)(1)(i) because it is not referenced or explained in the Petition. <i>See</i> 37 CFR §§ 42.22(a)(2) and 42.104(b)(4).

Respectfully submitted this 17th day of October, 2023.

/Keith J. Wood, Reg. No. 45235/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that on October 17, 2023, the foregoing ***Patent Owners' Objections to Evidence Submitted Prior to Institution*** is being served electronically by agreement of the parties at the following email addresses.

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