Paper No.___

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COMMSCOPE TECHNOLOGIES LLC.
Petitioner

v.

BELDEN INC.
Patent Owner

_____

Case IPR2023-01061
Patent No. 6,998,537

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PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner CommScope Technologies LLC ("CommScope") hereby submits its notice of objections to evidence submitted with Patent Owner Belden Inc. ("Belden")'s Sur-Reply.

CommScope objects to Ex-2012 under FRE 802 as hearsay and containing hearsay. Ex-2012 contains unsworn statements by a person and, on its face, "incorporates by reference" other materials (e.g., paragraphs 7, 255, 296, 341) and is based on conversations with other persons who also have not provided any sworn testimony in this proceeding (paragraphs 8-9). CommScope also objects to Ex-2012 under FRE 901 as lacking authentication. CommScope also objects under FRE 106 to Ex-2012 as incomplete. CommScope further objects to Ex-2012 on the bases of FRE 401/402 (relevance) and FRE 403 (probative value outweighed by prejudice, confusion, waste of time). As but one example, Patent Owner's Sur-Reply quotes only a portion of, and cites only to, paragraph 334 of Ex-2012 (Paper 34 at 21-22), but Ex-2012 has been partially redacted such that many paragraphs other than the quoted sentences from paragraph 334 are being introduced into the record (including, without limitation, paragraphs 238-259, 261-300, 302-333, 335-41, 343-345, 347-358) and the unredacted paragraphs concern issues other than the single quoted sentences from paragraph 334 identified in the Sur-Reply, including alleged potential secondary considerations, alleged obviousness, and other patents and prior art references and combinations. CommScope also objects to Ex-2012,

and least paragraphs 238-259, 261-300, 302-333, 335-41, 343-345, 347-358 thereof, as being beyond the scope of the basis on which Petitioner proposed, and upon which the Board allowed the submission of the exhibit. CommScope objects to Ex-2012 on the bases of FRE 602 (lack of personal knowledge), FRE 701 (opinion of lay witness), and FRE 702/703 (insufficient support for expert testimony). CommScope objects to Ex-2012 as lacking "uniquely numbered" pages as required under 37 C.F.R. § 42.63(d)(2)(i).

CommScope also respectfully maintains its objection to Ex-2012, as improper evidence submitted with a sur-reply under 37 C.F.R. § 42.23(b).

Respectfully submitted,

Dated: August 27, 2024

/Peter M. Kohlhepp/

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CERTIFICATION OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e) and the agreement of the parties, the undersigned certifies that on August 27, 2024, a true and correct copy of the foregoing *Petitioner's Objections to Evidence* was served via electronic mail upon the following:

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