

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INCORPORATED

Petitioner¹

v.

NETWORK SYSTEM TECHNOLOGIES, LLC

Patent Owner

U.S. Patent No. 7,373,449

Inter Partes Review No. IPR2024-00338

PATENT OWNER'S OBJECTIONS TO EVIDENCE

¹ Qualcomm Incorporated filed a petition and motion for joinder in IPR2024-01081 and has been joined as a petitioner in this proceeding.

Pursuant to 37 C.F.R. § 42.64(b)(1) and Paper 37, Patent Owner hereby submits objections to evidence. On December 12, 2024, the Board authorized Petitioner to submit the Declaration of Dr. Sylvia Hall-Ellis (the “Hall-Ellis Declaration”) as supplemental information no later than the five business days after the date of the Board’s order. Paper 37 at 18. Petitioner submitted the Hall-Ellis Declaration as evidence on December 19, 2023. Patent Owner’s objections are hereby submitted within five business days of the Petitioner’s submission of the Hall-Ellis Declaration, i.e., by December 27, 2024. *See* 37 C.F.R. § 42.64(b)(1). Thus, Patent Owner’s evidence objections are timely.

The discussion below identifies the evidence Patent Owner objects to and summarizes the objections, including the Federal Rules of Evidence (“FRE”) or other rules that form the basis for the objections.

1. Ex. 1035 - “Declaration of Sylvia Hall-Ellis, Ph.D”

Patent Owner objects to Ex. 1035 as hearsay being offered for a hearsay purpose and to which no valid exception applies. *See* FED. R. EVID. 801-807. To the extent Ex. 1035 purports to offer opinions on the accessibility of “Networks on Chip” by Axel Jantsch and Hannu Tenhunen (¶¶ 41-48), Patent Owner objects to Ex. 1035 as not being the product of reliable facts or data. Patent Owner further objects to Ex. 1035 as lacking foundation, assuming facts not in evidence, containing

testimony on matter as to which the witness lacks personal knowledge, and as being conclusory. FED. R. EVID. 602, 701–703.

Patent Owner objects to Exhibit 1 of Ex. 1035 because it does not comply with the Board’s rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. § 42.63(a)(3). Patent Owner objects to Exhibit 1 as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Patent Owner objects to Attachment 1A of Ex. 1035 because it does not comply with the Board’s rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. § 42.63(a)(3). Patent Owner objects to Attachment 1A as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Patent Owner objects to Attachment 1B of Ex. 1035 because it does not comply with the Board’s rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. § 42.63(a)(3). Patent Owner objects to Attachment 1B as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Patent Owner objects to Attachment 1C of Ex. 1035 because it does not comply with the Board’s rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. §

42.63(a)(3). Patent Owner objects to Attachment 1C as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Patent Owner objects to Attachment 1D of Ex. 1035 because it does not comply with the Board's rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. § 42.63(a)(3). Patent Owner objects to Attachment 1D as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Patent Owner objects to Attachment 1E of Ex. 1035 because it does not comply with the Board's rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. § 42.63(a)(3). Patent Owner objects to Attachment 1E as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Patent Owner objects to Attachment 1F of Ex. 1035 because it does not comply with the Board's rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. § 42.63(a)(3). Patent Owner objects to Attachment 1F as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Patent Owner objects to Exhibit 1G of Ex. 1035 because it does not comply with the Board's rule governing the form of evidence. 37 C.F.R. § 42.63. Combined documents are not permitted. 37 C.F.R. § 42.63(d); 37 C.F.R. § 42.63(a)(3). Patent

Owner objects to Exhibit 1G as hearsay offered for a hearsay purpose and to which no valid exception applies. FED. R. EVID. 801-807.

Respectfully submitted,

Dated: December 23, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Objections to Evidence was served on December 23, 2024, upon the following parties via electronic service:

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