

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO (UNITED STATES) INC.,
Petitioner,

v.

UNIVERSITY OF ROCHESTER
(INTELLECTUAL VENTURES I LLC),
Patent Owner.

Inter Partes Review No.
IPR2024-01225

Patent No. 7,089,443
Filing: January 23, 2004
Issue Date: August 8, 2006

**PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH
PATENT OWNER'S PRELIMINARY RESPONSE**

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I. INTRODUCTION

In accordance with 37 C.F.R. § 42.64(b)(1), Lenovo (United States) Inc. (“Petitioner”) hereby submits the following objections to University of Rochester (Intellectual Ventures I LLC)’s (“Patent Owner”) Exhibits attached to the Patent Owner’s Preliminary Response (Paper 7 “POPR”) as indicated below, and any reference thereto/reliance thereon, without limitation. Petitioner’s objections below apply the Federal Rules of Evidence (“F.R.E.”) as required by 37 C.F.R. § 42.62 in connection with the above-captioned inter partes review (IPR) proceeding of U.S. Patent No. 7,089,443 (“the ’443 patent”). Petitioner’s objections below apply equally to Patent Owner’s reliance on these Exhibits in any subsequently-filed documents. These objections are timely, having been filed and served within 10 business days of the decision granting institution of inter partes review dated February 13, 2025 (Paper 11).

The following objections apply to the Exhibits indicated below as they are actually presented by Patent Owner in the context of the POPR and not in the context of any other substantive argument on the merits of the instituted grounds in this proceeding. Petitioner expressly asserts, reserves, and does not waive any other objections that would be applicable here.

II. OBJECTIONS TO EXHIBITS 2004, 2005, AND 2010 AS INADMISSABLE HEARSAY

Patent Trial and Appeal Board (the “Board”) proceedings are governed by

the Federal Rules of Evidence. See 37 C.F.R. § 42.62(a). Rules 801-807 of the Federal Rules of Evidence govern the admissibility of hearsay, which Rule 801 defines as, “a statement that: (1) the declarant does not make while testifying at the current trial or hearing; and (2) a party offers in evidence to prove the truth of the matter asserted in the statement.” F.R.E. 801(c). Absent the applicability of an exception to the rule against hearsay, hearsay is not admissible. F.R.E. 802; *CaptionCall, L.L.C. v. Ultratec, Inc.*, IPR2015-01889, Pap. 119 at 15-18 (PTAB Apr. 11, 2017) (granting motion to exclude hearsay evidence).

Petitioner objects to Exhibits 2004, 2005, and 2010 under the Federal Rules of Evidence because these Exhibits include inadmissible hearsay. Each of Exhibits 2004, 2005, and 2010 includes evidence that is inadmissible hearsay, because they contain (1) statements by non-declarants in the current proceeding, (F.R.E. 801(c)(1)), (2) which are offered to prove the truth of the matter asserted therein, (F.R.E. 801(c)(2)). Petitioner also objects to Exhibits 2004, 2005, and 2010 on the basis of inadmissible hearsay to the extent that they are relied on by Patent Owner’s declarants in Exhibits 2001 and Exhibit 2003.

III. OBJECTIONS TO EXHIBITS 2004, 2005, AND 2010 FOR LACK OF AUTHENTICATION

Petitioner objects to Exhibits 2004, 2005, and 2010 under Rule 901 of the Federal Rules of Evidence because these Exhibits lack authentication.

IV. OBJECTIONS TO EXHIBITS 2001, 2002, 2003, AND 2010 AS NOT RELIED ON IN THE POPR

Petitioner objects to Exhibit 2001 (*e.g.*, ¶¶ 1-35, 40, 44, 45, 50-57, 61-63, 65-77, and 79-91), Exhibit 2002, Exhibit 2003 (*e.g.*, ¶¶ 1-4, 6, 7, 11-15, 18-26), and Exhibit 2010 under Rules 401-403 of the Federal Rules of Evidence to the extent Patent Owner did not rely on these Exhibits, or portions thereof, in the POPR. Petitioner also objects to Exhibits 2002 and 2010 to the extent that they are cited in Dr. Kaeli's declaration (Ex. 2001) but not relied on in the POPR.

V. OBJECTIONS TO EXHIBITS 2004, 2005, AND 2010 AS NOT RELEVANT

Petitioner objects to Exhibits 2004, 2005, and 2010 under Rules 401-403 of the Federal Rules of Evidence to the extent these Exhibits contain evidence not relevant to issues in this proceeding because the evidence lacks a nexus to the grounds of invalidity upon which the Board has instituted inter partes review. In addition, Petitioner objects to Exhibit 2001 on the same grounds to the extent it relies on Exhibits 2004, 2005, and 2010.

VI. OTHER OBJECTIONS TO EXHIBIT 2001

Petitioner objects to Exhibit 2001 on the same grounds mentioned above in Sections II to V to the extent Exhibits 2001 relies on the Exhibits mentioned in Sections II to V. Petitioner further objects to Exhibit 2001 to the extent the opinions set forth therein rely upon documents and/or other materials not produced

to Petitioner.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'D. Melwani', is written over a horizontal line.

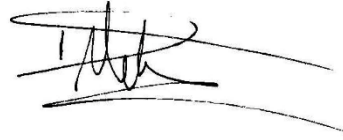
Dated: February 28, 2025

Dinesh N. Melwani (Reg. No. 60,670)
Bookoff McAndrews, PLLC
2000 Pennsylvania Ave. NW, Suite 4001
Washington, D.C. 20006
202-808-3497

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6, the undersigned hereby certifies that this “PETITIONER’S OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER’S PRELIMINARY RESPONSE” was served by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) and via e-mail to the following attorneys of record for the Patent Owner listed below:

LEAD COUNSEL	BACK-UP COUNSEL
Brandon R. Theiss USPTO Reg. No. 70,507 VOLPE KOENIG 30 S. 17th Street, Suite 1800 Philadelphia PA 19103 Tel: 215-568-6400 Fax: 215-568-6499 Email: BTheiss@vklaw.com	Daniel H. Golub USPTO Reg. No. 33,701 Email: DGolub@vklaw.com Ryan W. O’Donnell USPTO Reg. No. 53,401 Email: RODonnell@vklaw.com Robert D. Leonard USPTO Reg. No. 57,204 Email: RLeonard@vklaw.com VOLPE KOENIG 30 S. 17th Street, Suite 1800 Philadelphia PA 19103 Tel: 215-568-6400 Fax: 215-568-6499 Russell J. Rigby USPTO Reg. No. 50,267 Intellectual Ventures I LLC 3150 139th Avenue Southeast Building 4 Bellevue, WA 98005 Email: rrigby@intven.com



Dated: February 28, 2025

Dinesh N. Melwani, Reg. No. 60670
Attorney for Petitioner