

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

PARTEC AG,
Patent Owner.

Case IPR2025-00318
Patent 11,537,442

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. Introduction

Under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.64, ParTec AG (“Patent Owner”) timely objects to evidence submitted by Microsoft Corporation (“Petitioner”) in this proceeding. Patent Owner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c) unless Petitioner provides evidence curing the objections identified by Patent Owner below.

II. Specific Objections

A. Exhibit 1028 - Digital Technical Journal, Vol. 10, No. 1 (Dec. 1998)

Patent Owner objects to this exhibit (a) under FRE 901 because Petitioner has not produced sufficient evidence sufficient to support a finding that the item is what the proponent claims it is, (b) under FRE 802 as containing hearsay, and Petitioner has not identified any applicable hearsay exceptions, (c) under FRE 401-403 as lacking relevance and having any probative value outweighed by unfair prejudice and confusion of the issues, and (d) as not cited or discussed in support of any issue in the proceeding.

B. Exhibit 1029 - Transcript of Deposition of David R. Kaeli, Ph.D.

Patent Owner renews the objections it registered during Dr. Kaeli’s deposition.

C. Exhibit 1030 - Reply Declaration of Darrell Long

Patent Owner objects to this exhibit under FRE 701-705 and 802 because Darrell Long has not been made available for deposition, and Patent Owner reserves the right to raise any additional objections that become apparent from his deposition at that time if he is made available for deposition.

Patent Owner objects to this exhibit to the extent Petitioner has used it to circumvent the word limit for its Reply by attempting to incorporate arguments by reference to this document. For example, on page 3 of Petitioner's Reply, Petitioner makes a conclusory statement regarding "[t]he information used to determine possible subtask-to-processor mappings" in Budenske. Petitioner cites to paragraph 16 of this document in support, which includes a page and a half of additional argument, much of which is not found in the Reply itself. As another example, page 5 of the Reply cites paragraphs 20-21 of this document along with Exhibits 1007 and 1008. However, the Reply itself does not provide any discussion of Exhibits 1007 and 1008; instead all discussion of those exhibits was placed in this document (Exhibit 1030). Similar improper incorporation by reference to this document is found throughout the Reply. *See, e.g.*, Reply at 7 (citing EX1030 ¶¶27-28 for additional argument); 10 (crop quoting the start of certain arguments and citing EX1030 §§ 24-26 for the rest of the argument); 12 (citing EX1030 ¶¶ 36-37); 13 (EX1030 ¶ 39); 15 (EX1030 ¶¶ 42-43). Exhibit 1030 is nearly 20 pages longer than the Reply, further demonstrating that Petitioner improperly used it for additional briefing, rather than for actual expert analysis.

Patent Owner objects to this exhibit to the extent the declaration addresses or presents new evidence (including Petitioner's new and modified *prima facie* invalidity theories, *see, e.g.*, EX1030 ¶ 51) that should have been properly addressed with the initial Petition.

D. Exhibit 1032 - Intel Xeon Processor E5 v4 Product Family Datasheet

Patent Owner objects to this exhibit (a) under FRE 901 because Petitioner has not produced any evidence sufficient to support a finding that the item is what the proponent claims it is, and (b) under FRE 802 as containing hearsay, and Petitioner has not identified any applicable hearsay exceptions.

E. Exhibit 1033 - Intel Xeon Phi Coprocessor x200 Product Family Datasheet

Patent Owner objects to this exhibit (a) under FRE 901 because Petitioner has not produced any evidence sufficient to support a finding that the item is what the proponent claims it is, and (b) under FRE 802 as containing hearsay, and Petitioner has not identified any applicable hearsay exceptions.

F. Exhibit 1034 - Mellanox InfiniBand FAQ

Patent Owner objects to this exhibit (a) under FRE 901 because Petitioner has not produced any evidence sufficient to support a finding that the item is what the proponent claims it is, and (b) under FRE 802 as containing hearsay, and Petitioner has not identified any applicable hearsay exceptions.

Dated: January 5, 2026

Respectfully submitted,

By: /Michael F. Heim/
Michael F. Heim (Reg. No. 32,702)
Attorney for Patent Owner
ParTec AG

CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a copy of the foregoing PATENT OWNER’S OBJECTIONS TO PETITIONER’S EVIDENCE was served via email to lead and backup counsel of record for Petitioner as follows:

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Dated: January 5, 2026

Respectfully submitted,

By: /Michael F. Heim/
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