

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

BAE SYSTEMS INFORMATION AND  
ELECTRONIC SYSTEMS INTEGRATION, INC.  
Petitioner

v.

CHEETAH OMNI, LLC  
Patent Owner

---

CASE IPR2013-00175  
Patent No. 7,633,673  
Administrative Patent Judges Stephen C. Siu, Justin T. Arbes, and Rama G. Elluru

---

**PETITIONER'S OBJECTIONS TO DECLARATION OF  
DR. ERICH IPPEN PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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

Exhibit 2010 (Declaration of Dr. Erich Ippen) was submitted by the Patent Owner in support of its Reply to the Petitioner's Opposition to the Patent Owner's Motion to Amend. The Petitioner hereby objects to paragraphs 11-13 and 30-32 of the Declaration, because these paragraphs constitute new evidence that could have been presented with the Patent Owner's Response to the Petition and/or the Patent Owner's Motion to Amend, and do not respond to arguments raised in the Petitioner's Opposition to the Patent Owner's Motion to Amend. Under 37 C.F.R. § 42.23(b), a "reply may only respond to arguments raised in the corresponding opposition." In particular, "[r]eple evidence ... must be responsive and not merely new evidence that could have been presented earlier to support the movant's motion." 77 Fed. Reg. 48620 (Aug. 14, 2012).

Respectfully submitted,

December 10, 2013

/Suzanne C. Walts/

---

Jeffrey D. Sanok, Reg. No. 32,169  
 Suzanne C. Walts, Reg. No. 60,831  
 CROWELL & MORING LLP  
 Intellectual Property Group  
 P.O. Box 14300  
 Washington, DC 20044-4300  
 Telephone No.: (202) 624-2500  
 Facsimile No.: (202) 628-8844  
*ATTORNEYS FOR PETITIONER*

## **CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 10<sup>th</sup> day of December 2013, a complete and entire copy of this “PETITIONER’S OBJECTIONS TO DECLARATION OF DR. ERICH IPPEN” was provided via EXPRESS MAIL® to the representative of the Patent Owner at:

Richard Krukar  
Kermit D. Lopez  
Ortiz & Lopez, PLLC  
117 Bryn Mawr Dr SE  
Albuquerque, NM 87106

Respectfully submitted,

December 10, 2013

/Suzanne C. Walts/

---

Jeffrey D. Sanok, Reg. No. 32,169  
Suzanne C. Walts, Reg. No. 60,831  
CROWELL & MORING LLP  
Intellectual Property Group  
P.O. Box 14300  
Washington, DC 20044-4300  
Telephone No.: (202) 624-2500  
Facsimile No.: (202) 628-8844  
*ATTORNEYS FOR PETITIONER*