

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD. AND SAMSUNG
ELECTRONICS AMERICA, INC.
Petitioners

v.

MANUFACTURING RESOURCES INTERNATIONAL, INC.
Patent Owner

Case IPR2023-00220
Patent 9,173,322 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
FILED WITH PETITIONERS REPLY TO PATENT OWNER'S RESPONSE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Manufacturing Resources International, Inc. (“Patent Owner”) hereby objects to Petitioners’ Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (“Petitioners”) exhibits submitted with Petitioners Reply to Patent Owner’s Response (Paper 21) as indicated below, as well as any reference thereto or reliance thereon, without limitation.

Exhibit Number and Description	Objections
Ex. 1048 - Final Initial Determination on Violation of Section 337 in <i>In re Certain Outdoor and Semi-Outdoor Electronic Displays, Products Containing Same, and Components Thereof</i> , Investigation No. 337-TA-1331 [CONFIDENTIAL]	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the exhibit is inadmissible under Rule 403. Decisions of the International Trade Commission on patent issues have no preclusive effect. <i>Texas Instruments Inc. v. Cypress Semiconductor Corp.</i> , 90 F.3d 1558, 1569 (Fed. Cir. 1996). A district court can “attribute whatever persuasive value to [a] prior ITC decision that it considers justified.” <i>Id.</i> Here, however, the Commission has yet to issue <i>any</i> decision in Investigation No. 337-TA-1131. The persuasive value of the ALJ’s Final Initial Determination on Violation (“Final ID”) is nil due to the numerous well-documented errors in the Final ID that have now been raised with the Commission and because the present record includes additional information, including Mr. Gershowitz’s expert testimony, that was not available to the ALJ. As

	such, Petitioners' use of Ex. 1040 runs afoul of FRE 402 and 403. FRE 802: The exhibit and statements included therein are inadmissible hearsay.
Ex. 1050 - Excerpt of Day 1 Hearing Testimony in Investigation No. 337-TA-1331	FRE 402, 403: This exhibit is not relevant. MRI's teardowns of Samsung's products prior to sending letters requesting Samsung cease infringement of MRI's patents and/or during its litigation against Samsung, does not support Samsung's contention that it is customary in the industry to tear down competitor products in the manner Samsung did (<i>i.e.</i>, in order to copy superior, patented designs). To the extent the exhibit is found relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the exhibit is inadmissible under Rule 403. FRE 106, 403: This exhibit is incomplete and excludes relevant evidence for unfair prejudice or confusion of the issues. The exhibit includes only 10 pages out of at least 273 pages in the original document.
Ex. 1051 - Excerpt of Day 3 Hearing Testimony in Investigation No. 337-TA-1331 [CONFIDENTIAL]	FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 106, 403: This exhibit is incomplete and excludes relevant evidence for unfair prejudice or confusion of the issues. The exhibit includes

	only 15 pages out of at least 285 pages in the original document.
Ex. 1052 - Samsung Outdoor display OHA, OHB series Brochure, <i>available at</i> https://displaysolutions.samsung.com/pdf/brochure/7924/Samsung_OHA_OHB_series_Brochure_220310_Web.pdf	FRE 402, 403: This exhibit is not relevant. To the extent it is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, or needlessly presenting cumulative evidence, and therefore the exhibit is inadmissible under Rule 403. FRE 802: The exhibit and statements included therein are inadmissible hearsay.
Ex. 1053 - Excerpt of Declaration of Michael N. Gershowitz (IPR2023-00199, Ex. 2006)	FRE 106, 403: This exhibit is incomplete and excludes relevant evidence for unfair prejudice or confusion of the issues. The exhibit includes only 5 pages out of at least 77 pages in the original document. Petitioner attempts to twist the interpretation of an out-of-context sentence from Mr. Gershowitz’s declaration into one of agreement with Mr. Smith-Gillespie about the existence of a fictitious embodiment of Na where there are no through-holes on the bottom plate but there are through-holes on only two opposing side walls. However, Mr. Gershowitz’s declaration explains the alternative embodiments of Na “involve forming through-holes into ‘the first to fourth sidewalls,’ but not the bottom plate 210” <i>or</i> “using a bottom plate 210 that does not have through holes 212.” Ex. 1053, ¶ 124. Mr. Gershowitz’s interpretation—unlike Mr. Smith-Gillespie’s—is consistent with Na’s disclosure of alternative embodiments where (i) through-holes “may be formed only in the first to fourth sidewalls” but not the bottom plate 210 or (ii) “the through-holes may be formed on a bottom

	plate <i>and</i> in any one or more of the first to fourth sidewalls.” Ex. 1010 at 5.
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Dated: December 27, 2023

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date below a copy of this
PATENT OWNER MANUFACTURING RESOURCES
INTERNATIONAL, INC.'S OBJECTIONS TO EVIDENCE FILED WITH
PETITIONERS REPLY TO PATENT OWNER'S RESPONSE was served on
Petitioner by filing through the P-TACTS System, as well as by delivering a copy
via electronic mail to the following:

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