

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 IPR2023-00221
Patent 11,013,142 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 17) as indicated below, as well as any reference thereto or reliance thereon, without limitation.

Exhibit Number and Description	Objections
Ex. 1030 - Final Initial Determination on Violation of Section 337 in <i>Certain Outdoor and Semi-Outdoor Electronic Displays, Products Containing Same, and Components Thereof</i> , Investigation No. 337-TA-1331 [CONFIDENTIAL]	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. This exhibit discusses 5 patents, only 1 of which is Challenged in this Proceeding. Additionally, Petitioner cites to portions of this exhibit that analyzes claim terms from other patents that are distinct from the claim terms in this patent. <i>See</i> Petitioner’s Reply at 4. FRE 403: The exhibit includes information the probative value of which 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. 37 CFR § 42.123(b): The exhibit provides new information to bolster the substantive arguments and merits of the Petition, but Petitioner has not filed the required Motion under Section 123.

	Improperly Provides New Grounds for Obviousness: The exhibit includes new grounds for invalidity for positions that were not presented in the Petition. <i>See, e.g., B/E Aerospace, Inc. v. MAG Aerospace Indus., LLC</i>, Case IPR2014-01510 (PTAB Apr. 28, 2015) (Paper 28); <i>Palo Alto Networks, Inc. v. Juniper Networks, Inc.</i>, Case IPR2013-00369 (PTAB Feb. 5, 2014) (Paper 37). For example, Petitioner cites to portions of the opinion that address the combination of Karpannen in view of Williams, a ground not asserted in the petition. Petitioner’s Reply at 11, 17.
Ex. 1031 - Excerpt of February 1, 2023 Deposition of Himanshu Pokharna in Investigation No. 337-TA-1331	FRE 106: The exhibit is incomplete and omits the context in which the opinion was offered. FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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. This testimony was not given in the context of asking about the relevant technology or the plain and ordinary meaning of heat exchanger in the Challenged Patent. FRE 802: This exhibit is, and contains, hearsay.
Ex. 1032 - December 13, 2023 Deposition of Himanshu Pokharna	Patent Owner maintains all objects made on the record by the attorney defending the deposition. Patent Owner further objects to questions and testimony that extend beyond

	the scope of the parties’ stipulation regarding the scope of expert depositions in these proceedings. In that stipulation, Patent Owner, “MRI agree[d] not to take [Petitioner’s expert,] Mr. Smith-Gillespie’s deposition, and Samsung agree[d] to limit any deposition of Dr. Pokharna to 3 hours on the record with no questioning relating to combinations of art presented at the ITC hearing.” Despite this stipulation, many of Samsung’s questions improperly related to combinations of prior art that were presented to the ITC. FRE 106: The exhibit is incomplete and omits the context in which the opinion was offered. FRE 403: The exhibit includes information the probative value of which 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. The exhibit provides testimony on prior art analysis that was not presented in either expert’s report in this Proceeding. 37 C.F.R. § 42.23(b): The exhibit presents new arguments and theories related to prior art that was not presented in the Petition or the Response. Petitioner’s Reply at 6. Improperly Provides New Arguments Related to Claim Construction: The exhibit includes new evidence for claim constructions that were not presented in the Petition. <i>See, e.g., Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i>, 821 F.3d 1359 (Fed. Cir. 2016). For example, Petitioner cites to testimony regarding an analysis of prior art references not asserted in this Petition nor
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	cited in the Reply in regards to the claim term. Petitioners Reply at 6.
Ex. 1033 - Excerpt of U.S. Patent No. 10,506,740 File History	FRE 106: The exhibit is incomplete and omits the context in which the opinion was offered. FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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. 37 C.F.R. § 42.23(b): The exhibit presents new arguments and theories related to prior art that was not presented in the Petition or the Response. Petitioner's Reply at 8. Improperly Provides New Arguments Related to Claim Construction: The exhibit includes new evidence for claim constructions that were not presented in the Petition. <i>See, e.g., Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i>, 821 F.3d 1359 (Fed. Cir. 2016).
Ex. 1034 - U.S. Patent Application Publication No. US 2004/0135482	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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. 37 C.F.R. § 42.23(b): The exhibit presents new arguments and theories related to prior art that was not presented in the Petition or the Response. Petitioner's Reply at 8. Improperly Provides New Arguments Related to Claim Construction: The exhibit includes new evidence for claim constructions that were not presented in the Petition. <i>See, e.g., Intelligent Bio-Sys., Inc. v. Illumina Cambridge Ltd.</i>, 821 F.3d 1359 (Fed. Cir. 2016).
Ex. 1035 - Excerpt of Day 3 Hearing Testimony in Investigation No. 337-TA-1331 [CONFIDENTIAL]	FRE 106: The exhibit is incomplete and omits the cross examination on the same subject matter. FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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 701: This exhibit contains opinions by a lay witness that are not rationally based on the witness's perception and not helpful to determining a fact in issue.

Ex. 1036 - Excerpt of Day 1 Hearing Testimony in Investigation No. 337-TA-1331	RE 106: The exhibit is incomplete and omits the cross examination on the same subject matter. FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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 701: This exhibit contains opinions by a lay witness that are not rationally based on the witness's perception and not helpful to determining a fact in issue.
Ex. 1037 - 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: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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 802: This exhibit is, and contains, hearsay. FRE 901, 902: This exhibit is not authenticated and not self- authenticating.

Ex. 1038 - Samsung Outdoor Signage, OHN, OHN-D Series Datasheet, <i>available at</i> https://displaysolutions.samsung.com/pdf/datasheet/3732/Samsung_Outdoor_Signage_OHN,OHN-D_Datasheet_200109_web.pdf	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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 802: This exhibit is, and contains, hearsay. FRE 901, 902: This exhibit is not authenticated and not self- authenticating.
Ex. 1039 - https://lg-mri.com/boldvu-outdoor-lcd-displays/	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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 802: This exhibit is, and contains, hearsay. FRE 901, 902: This exhibit is not authenticated and not self- authenticating.
Ex. 1040 - Excerpt of October 24, 2018 Deposition Transcript	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.

of William Dunn [CONFIDENTIAL]	FRE 403: The exhibit includes information the probative value of which 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 701: This exhibit contains opinions by a lay witness that are not rationally based on the witness's perception and not helpful to determining a fact in issue.
Ex. 1041 - December 21, 2022 Complainant Proposed Claim Constructions in Investigation No. 337-TA-1331	FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information the probative value of which 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.

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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