

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUASAR SCIENCE LLC
Petitioner,

v.

COLT INTERNATIONAL CLOTHING, INC. d/b/a COLT LED
Patent Owner.

Case: IPR2023-00611
U.S. Patent No. 10,197,224

**PETITIONER'S OBJECTIONS TO EVIDENCE
SUBMITTED BY PATENT OWNER**

Pursuant to 37 C.F.R. 42.64(b)(1), Petitioner Quasar Science LLC (“Petitioner” or “Quasar”), hereby submits its objections to the admissibility of evidence that Patent Owner Colt International Clothing, Inc. d/b/a Colt LED (“Patent Owner” or “Colt”) submitted in connection with Patent Owner’s Preliminary Response in the above captioned action. *See* Paper 8. Specifically, Petitioner objects to Exhibits 2001 and 2002, and any reference to and/or reliance on the foregoing.

These objections are being filed within ten (10) business days of the institution of the trial by the Patent and Trial Appeal Board (“the Board”). *See* Paper 10. Lastly, these objections are being made without prejudice to Petitioner’s ability to use such evidence itself or to recall or remove any objections at a later date.

Exhibit 2001

Patent Owner describes Exhibit 2001 as Mac Tech LED FAQ web page, Mac Tech LED, Sun Valley, CA, Nov. 28, 2014, printed/accessed from <https://web.archive.org/web/20141128184548/http://www.mactechled.com/faq/>.¹ Petitioner objects to Exhibit 2001 under Federal Rules of Evidence 901, 802, 401, 402, 403, and 106.

¹ Petitioner references Patent Owner’s description for the convenience of the Board, but makes no representations as to the accuracy of the description.

Petitioner objects to Exhibit 2001 under Federal Rule of Evidence 901. Patent Owner has not demonstrated the authenticity of Exhibit 2001 because it has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.

Petitioner objects to Exhibit 2001 under Federal Rule of Evidence 802. Exhibit 2001 contains statements that a declarant did not make while testifying in the current proceeding. Petitioner objects to this exhibit to the extent Patent Owner attempts to rely on the statements to prove the truth of the matter asserted therein.

Petitioner objects to Exhibit 2001 under Federal Rules of Evidence 401, 402, and 403. Any nominal relevance asserted by Patent Owner is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and/or wasting time.

Petitioner objects to Exhibit 2001 under Federal Rule of Evidence 106. Exhibit 2001 is incomplete and includes only a select portion of a larger document that in fairness should be considered along with this document.

Exhibit 2002

Patent Owner describes Exhibit No. 2002 as Mac Tech LED FAQ web page, Mac Tech LED, Sun Valley, CA, April 1, 2017, printed/accessed from <https://web.archive.org/web/20170401011340/http://www.mactechled.com/faq/>.² Petitioner objects to Exhibit 2002 under Federal Rules of Evidence 901, 802, 401, 402, 403, and 106.

Petitioner objects to Exhibit 2002 under Federal Rule of Evidence 901. Patent Owner has not demonstrated the authenticity of Exhibit 2002 because it has not produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.

Petitioner objects to Exhibit 2002 under Federal Rule of Evidence 802. Exhibit 2002 contains statements that a declarant did not make while testifying in the current proceeding. Petitioner objects to this exhibit to the extent Patent Owner attempts to rely on the statements to prove the truth of the matter asserted therein.

Petitioner objects to Exhibit 2002 under Federal Rules of Evidence 401, 402, and 403. Any nominal relevance asserted by Patent Owner is substantially

² Petitioner references Patent Owner's description for the convenience of the Board, but makes no representations as to the accuracy of the description.

outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and/or wasting time.

Petitioner objects to Exhibit 2002 under Federal Rule of Evidence 106. Exhibit 2002 is incomplete and includes only a select portion of a larger document that in fairness should be considered along with this document.

Dated: October 24, 2023

Respectfully submitted,

/David M. Magee/

David M. Magee (Reg. No. 51,982)

Armstrong Teasdale LLP

800 Boylston St., 30th Floor

Boston, MA 02199

DMagee@atllp.com

Telephone: 617.824.5131

Facsimile: 617.830.8490

Marc Vander Tuig (Reg. No. 57,964)

Armstrong Teasdale LLP

7700 Forsyth Blvd., Suite 1800

St. Louis, Missouri 63105

MVanderTuig@armstrongteasdale.com

Telephone: 314.621.5070

Fax: 314.621.5065

Counsel for Petitioner

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certifies that on October 24, 2023, a copy of the foregoing PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED BY PATENT OWNER, was served in its entirety on the following counsel of record for Patent Owner via email:

David L. Hoffman
(Reg. No. 32,469)
dhoffman@nolanheimann.com
Nolan Heimann LLP
16000 Ventura Blvd., Suite 1200
Encino, CA 91436
Direct 818-946-1158

Everett Diederiks
(Reg. No. 33,323)
ediederiks@dwpatentlaw.com
Diederiks & Whitelaw, PLC,
4196 Merchant Plaza, #815
Woodbridge, VA 22192
703-583-8300

Nicholas Whitelaw
(Reg. No. 36,418)
nwhitelaw@dwpatentlaw.com
Diederiks & Whitelaw, PLC,
4196 Merchant Plaza, #815
Woodbridge, VA 22192
703-583-8300

/David M. Magee/

Lead Counsel for Petitioner

David M. Magee (Reg. No. 51,982)

Armstrong Teasdale LLP

800 Boylston St., 30th Floor

Boston, MA 02199

DMagee@atllp.com

Telephone: 617.824.5131

Facsimile: 617.830.8490