

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: IPR2023-00614
U.S. Patent No. 10,566,895

**PETITIONER'S OBJECTIONS TO EVIDENCE
SUBMITTED BY PATENT OWNER WITH
MOTION FOR ADDITIONAL DISCOVERY**

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 its Motion for Additional Discovery. *See* Paper 16. Specifically, Petitioner objects to Exhibits 2032, 2034, 2035, 2036, 2037, 2038, and 2039 and any reference to and/or reliance on the foregoing.

These objections are being filed within five (5) business days of filing of the evidence. 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 2032

Patent Owner describes Exhibit No. 2032 as “a true and correct copy of web pages from www.QuasarScience.com from 2017.”¹ Petitioner objects to Exhibit 2032 under Federal Rules of Evidence 901, 802, 401, 402, and 403.

Petitioner objects to Exhibit 2032 under Federal Rule of Evidence 901. Patent Owner has not demonstrated the authenticity of Exhibit 2032 because it has not

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

produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.

Petitioner objects to Exhibit 2032 under Federal Rule of Evidence 802. Exhibit 2032 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 2032 under Federal Rules of Evidence 401, 402, and 403. Exhibit 2032 is not relevant. And 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.

Exhibit 2034

Patent Owner describes Exhibit No. 2034 as “a true and correct copy of web pages from www.movie-men.com/producto/12-quasar-120/ that I printed on or about 11/16/2023.”² Petitioner objects to Exhibit 2034 under Federal Rules of Evidence 901, 802, 401, 402, 403, and 37 C.F.R. § 42.63.

Petitioner objects to Exhibit 2034 under Federal Rule of Evidence 901. Patent Owner has not demonstrated the authenticity of Exhibit 2034 because it has not

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

produced evidence sufficient to support a finding that the exhibit is what Patent Owner claims it is.

Petitioner objects to Exhibit 2034 under Federal Rule of Evidence 802. Exhibit 2034 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 2034 under Federal Rules of Evidence 401, 402, and 403. Exhibit 2034 is not relevant. And 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 2034 under 37 C.F.R. § 42.63 as the exhibit is in a foreign language and Patent Owner has not submitted a translation with an affidavit attesting to the accuracy of the translation.

Exhibits 2035, 2036, 2037, 2038

Patent Owner describes Exhibit Nos. 2035 – 2038 as “true and correct copies of web pages that I printed on or about 11/16/2023 and marketing the Crossfade model with the same or substantially similar features to those in Exhibit 2031 of

paragraph 10 above.”³ Petitioner objects to Exhibits 2035 – 2038 under Federal Rules of Evidence 901, 802, 401, 402, and 403.

Petitioner objects to Exhibits 2035 – 2038 under Federal Rule of Evidence 901. Patent Owner has not demonstrated the authenticity of Exhibits 2035 – 2038 because it has not produced evidence sufficient to support a finding that the exhibits are what Patent Owner claims they are.

Petitioner objects to Exhibits 2035 – 2038 under Federal Rule of Evidence 802. Exhibits 2035 – 2038 contain statements that a declarant did not make while testifying in the current proceeding. Petitioner objects to these exhibits to the extent Patent Owner attempts to rely on the statements to prove the truth of the matter asserted therein.

Petitioner objects to Exhibits 2035 – 2038 under Federal Rules of Evidence 401, 402, and 403. These exhibits are not relevant. And 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.

³ Petitioner references Patent Owner’s description for the convenience of the Board, but makes no representations as to the accuracy of the description.

Exhibit 2039

Patent Owner describes Exhibit 2039 as a “true and correct copy of a declaration of Zhang, Ya Jun of Laysion, a manufacturer in DongGuan, China.”⁴ Petitioner objects to Exhibit 2039 under Federal Rules of Evidence 901, 802, 401, 402, 403, and 37 C.F.R. § 1.68.

Petitioner objects to Exhibit 2039 under Federal Rule of Evidence 901. Patent Owner has not demonstrated the authenticity of Exhibit 2039 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 2039 under Federal Rule of Evidence 802. Exhibit 2039 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. And, relatedly, Petitioner objects to Exhibit 2039 pursuant to 37 C.F.R. § 1.68 as the declaration does not comply with the requirements of a declaration in lieu of an oath. Further, there is no indication that this declarant will be made available for cross-examination in this proceeding.

⁴ 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 2039 under Federal Rules of Evidence 401, 402, and 403. The assertions made in this Exhibit have no relevance to any issues in this proceeding, and 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.

Dated: November 22, 2023

Respectfully submitted,

/David M. Magee/

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CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certifies that on November 22, 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:

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