

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner

Case IPR2023-00621
U.S. Patent No. 8,020,083 B1

**PATENT OWNER’S RENEWED OBJECTIONS TO PETITIONER’S
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Patent Owner DoDots Licensing Solutions LLC (“DoDots”) hereby renews its objection under the Federal Rules of Evidence (“F.R.E.”) to the admissibility of certain Original Evidence submitted by Petitioner Samsung Electronics Co., Ltd. (“Samsung”) along with its IPR petition and objects to certain Supplemental Evidence Samsung served on November 8, 2023. DoDots objections are timely pursuant to 37 C.F.R. §42.64(b)(1).

I. EXHIBIT 1003

Exhibit 1003 is the declaration of Petitioner’s expert Dr. Douglas C. Schmidt. DoDots renews its objection to Exhibit 1003 under F.R.E. 403, 602, 702,

703, and 901 because Dr. Schmidt, in his declaration, admits to using the BRI standard when construing the challenged claims to opine on whether they are invalidated by the cited prior art. *See* Ex. 1003 at paragraph 26. The use of the incorrect claim construction standard renders Dr. Schmidt's entire opinion unreliable and irrelevant. Moreover, Petitioner has not provided the proper foundation for the inclusion of Dr. Schmidt's declaration because they have failed to provide evidence from anyone with firsthand knowledge that Dr. Schmidt did not rely on and/or did not intend to rely on the BRI standard and simply made a typographical error.

II. EXHIBIT 1005

Exhibit 1005 is the Brown prior art patent that Petitioner relies on as its principal reference. DoDots renews its objection to Exhibit 1005 (and any discussion of this exhibit in the Petitioner's petition and expert declaration of Dr. Schmidt) under F.R.E. 106 and 901 because the Petitioner has failed to provide and file a complete copy of the Brown patent specification. The Brown patent incorporates by reference the entirety of Scott Issacs's *Inside Dynamic HTML*, Microsoft Press, October 30, 1997. *See* Col. 13 at 10-13. Petitioner, however, failed to provide a copy of this book to either the Board or the Patent Owner along with the petition. By failing to provide a copy of this book, the Petitioner and its

expert are relying on an incomplete copy of the Brown patent in constructing and supporting many of their invalidity arguments.

III. EXHIBIT 1017

Exhibit 1017 is an article that purportedly appeared on CNET in February 1996. Petitioner and its expert rely on this exhibit as a prior art reference in support of several invalidity arguments. DoDots renews its objection to Exhibit 1017 (and any discussion of this exhibit in the petition and Dr. Schmidt's declaration) under F.R.E. 901 and 703 because the Petitioner has failed to authenticate this article and provide any evidence that it is actually prior art. Accordingly, any reliance by the Petitioner or its expert on Exhibit 1017 is improper and unreliable.

IV. SUPPLEMENTARY DECLARATION OF DR. DOUGLAS C. SCHMIDT

Petitioner seeks to introduce a Supplementary Declaration of its expert Dr. Douglas C. Schmidt. DoDots objects to this document under F.R.E. 403 and 1004 because the Supplemental Declaration, which contains new evidence that seeks to replace contents of the original Declaration, should have been submitted prior to the institution decision. Accordingly, any reliance by the Petitioner or its expert on the Supplementary Declaration is now improper and unreliable.

V. SCOTT ISSACS'S *INSIDE DYNAMIC HTML*

Petitioner seeks to introduce a textbook titled "Inside Dynamic HTML" by Scott Isaacs. DoDots objects to this exhibit under F.R.E. 403 and 901 because the

Petitioner delayed producing this document until after institution. The Petitioner had access to this document at the time the petition for the instant IPR was filed, which is evidenced by the fact that this document is listed as prior art in the Petitioner's invalidity contentions served in the concurrently pending litigation on February 1, 2023. This delay prejudiced DoDots because DoDots could not consider and address the contents of this document in its POPR. The delay, likewise, deprived the Board from considering this document in its institution decision. Moreover, Petitioner has failed to properly authenticate this document. Accordingly, any reliance by the Petitioner or its expert on this textbook or the Brown prior art reference (Exhibit 1005) in the IPR is improper and unreliable.

Dated: November 15, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PATENT OWNER'S
RENEWED OBJECTIONS TO PETITIONER'S EVIDENCE PURSUANT TO 37
C.F.R. § 42.64(b)(1) was served electronically via email on November 15, 2023,
on the following counsel of record for Petitioner:

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