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 IPR2023-00756
U.S. Patent No. 9,369,545 B2

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 21, 2023. DoDots objections are timely pursuant to 37 C.F.R. §42.64(b)(1).

I. EXHIBIT 1003

DoDots renews its objection as set forth in its prior objection dated 11/15/2023.

II. EXHIBIT 1005

DoDots renews its objection as set forth in its prior objection dated 11/15/2023.

III. EXHIBIT 1017

DoDots renews its objection as set forth in its prior objection dated 11/15/2023.

IV. SUPPLEMENTARY DECLARATION OF DR. DOUGLAS C. SCHMIDT UNDER 37 C.F.R § 42.64(B)(2), 37 C.F.R § 42.123(A), AND 37 C.F.R. §42.104(C)

Petitioner seeks to introduce a Supplementary Declaration of its expert Dr. Douglas C. Schmidt under 37 C.F.R. §§ 42.64(b)(2), 42.123(a), and 42.104(c). DoDots renews its objection to the Supplementary Declaration Samsung provided on 11/15/2023. DoDots also objects to the supplementary declaration attached to Samsung's motion under 37 C.F.R. § 42.123(a.) DoDots objects to both documents under F.R.E. 403 and 1000-1008 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. DoDots renews its objection to the Supplementary Declaration. Accordingly, any reliance by the Petitioner or its expert on the Supplementary Declaration is now improper and unreliable.

Moreover, Petitioner's Supplementary declaration introduces new grounds by, for example, changing the claim construction standard.

Furthermore, substantive changes were made in the Corrected Version, Citation changes were made in paragraphs 50, 54, 63, 157, 163, and 194 and an entirely new citation was added to paragraph 156. For example, the citation at the end of paragraph 50 was changed from "SAMSUNG-1001, 5:41-44; see paragraph 28, above" to "SAMSUNG-1001, 5:41-44; Section I.C.1, above." Additionally, Dr. Schmidt's declaration was amended in paragraph 74 to modify the argument to refer to, "both Grounds 1A and 1B." (page 47). Lastly, an entire figure is omitted from page 71, although the caption to the omitted figure remains. All of these introduce substantial new questions post-institution of the IPR and should be excluded. as untimely.

Substantive changes introduced in the petition are not permissible in a 37 C.F.R. § 42.64(b)(2), document which goes beyond the original document. Nor is it permissible under 37 C.F.R. § 42.104(c) or 37 C.F.R. § 42.123(a.) Also, each of these changes supports the fact that Petitioner seeks to materially change the evidence in Dr. Schmidt's declaration and are entirely new evidence that is impermissible after one year of service. Finally, each of these changes supports the fact that Petitioner seeks to materially change the evidence in Dr. Schmidt's declaration and are entirely new evidence which is not a typographical error that qualifies for correction.

V. SCOTT ISSACS'S *INSIDE DYNAMIC HTML*

DoDots renews its objection as set forth in its prior objection dated 11/15/2023.

Dated: November 29, 2023

Respectfully submitted,

By: /*Jason S. Charkow*/

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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 29, 2023, on the following counsel of record for Petitioner:

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Respectfully Submitted,

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