

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG DISPLAY CO., LTD; SAMSUNG ELECTRONICS CO., LTD.; and
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner

v.

POLARIS POWERLED TECHNOLOGIES, LLC,
Patent Owner

Case IPR2023-00771
U.S. Patent No. 7,259,521

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

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Polaris PowerLED Technologies, LLC (“Patent Owner”) objects under the Federal Rules of Evidence (“F.R.E.”) to the admissibility of Exhibits 1002, 1009, 1010, 1011, and 1012, which Petitioner filed with its Petition.

Patent Owner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed ten business days of the institution of trial.

I. EXHIBIT 1002

Patent Owner objects to Exhibit 1002 to the extent Patent Owner relies on Exhibits 1009, 1010, 1011, and 1012 for the same reasons as provided above, and/or because Exhibits 1009, 1010, 1011, and 1012 are not qualified to be the basis for an expert opinion under F.R.E. 703. Therefore, these portions of Exhibit 1002 are inadmissible under F.R.E. 702 and F.R.E. 703.

Patent Owner also objects to Exhibit 1002, including at least ¶¶ 44–45, 47–49, 58, 66, 93–160, 162–209, 211–261, and 263–336, as improper expert testimony under F.R.E. 702 and 703. Mr. Kattamis is not qualified as an expert by knowledge, skill, experience, training, or education in the subject matter of the ’521 patent, does not have ordinary skill in the art of the ’521 patent, and there has not been an adequate showing that Mr. Kattamis’s testimony is based on sufficient facts or data, is the product of reliable principles or methods, or that the testimony will help the Board understand the evidence or determine a fact in issue.

Patent Owner further objects to ¶¶ 1–33, 46, 76, 80, 86, 92, 161, 262, 273–275, 284, 288, 306, 310–312, 319–320, and 332 of Exhibit 1002 as being irrelevant under F.R.E. 401, 402, and 403 because they have not been relied upon in support of any argument made in the Petition.

II. EXHIBITS 1009, 1010, 1011, & 1012

Patent Owner objects to Exhibits 1009, 1010, 1011, and 1012 under F.R.E. 401, 402, and 403 for including information that is irrelevant or whose probative value 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.

Patent Owner also objects to Exhibits 1009, 1010, 1011, and 1012 as impermissible hearsay under F.R.E. 801 and 802 to the extent these exhibits are offered for the truth of the matters asserted. Petitioner has not identified any applicable exception or exclusion to the rule against hearsay that applies to these exhibits.

Patent Owner further objects to Exhibits 1009, 1010, 1011, and 1012 under F.R.E. 901 because Petitioner has not presented evidence sufficient to support a finding that the documents in question are what Petitioner claims them to be. There is no evidence that the documents are self-authenticating under F.R.E. 902.

Patent Owner further objects to each of Exhibits 1009 and 1011 under F.R.E. 1006 as an incomplete summary of a treatise of which Petitioner has not produced or otherwise made available the full content of the treatise to Patent Owner, and under F.R.E. 106 as omitting the remainder of writings that ought to be considered at the same time as Exhibits 1009 and 1011.

Respectfully submitted,

KRAMER ALBERTI LIM & TONKOVICH LLP

/Sal Lim/

Sal Lim
Registration No. 45,706
Lead Attorney for Patent Owner

Date: October 30, 2023

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** was served electronically via e-mail on October 30, 2023, in its entirety on the following:

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Respectfully Submitted,

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