

IN THE 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.

Petitioners

v.

POLARIS POWERLED TECHNOLOGIES, LLC

Patent Owner

IPR2023-00771

U.S. Patent No. 7,259,521

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner objects under the Federal Rules of Evidence to the admissibility of the following evidence submitted by Patent Owner filed with its Patent Owner's Response on January 29, 2024. Petitioner files and serves Patent Owner with these objections to provide notice that Petitioner may move to exclude the following evidence under 37 C.F.R. § 42.64(c). These objections are made on February 5, 2024, within the time period required under 37 C.F.R. § 42.64(b)(1).

I. Exhibits 2005, 2006, 2007, 2008, 2009, and 2010

Petitioner objects to Exhibits 2005, 2006, 2007, 2008, 2009, and 2010 under FRE 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.

Petitioner objects to Exhibits 2005, 2006, 2007, 2008, 2009, and 2010 as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence that the documents are authentic nor that the documents are self-authenticating under FRE 902.

To the extent Patent Owner relies on the contents of Exhibits 2005, 2006, 2007, 2008, 2009, and 2010 for the truth of the matter asserted, or for the date on which they were allegedly publicly available, Petitioner objects to such contents as

inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

To the extent Patent Owner relies on the contents of these exhibits to prove the content of the original documents, Petitioner objects to these exhibits as not being an original document under FRE 1002, an authentic duplicate under FRE 1003, nor a document that falls under any exceptions to the original-document requirement, including those of FRE 1004.

Petitioner further objects to each of Exhibits 2006 and 2007 under FRE 1006 as an incomplete summary of a treatise of which Patent Owner has not produced or otherwise made available the full content of the treatise to Petitioner, and under FRE 106 as omitting the remainder of writings that ought to be considered at the same time as Exhibits 2006 and 2007.

II. Exhibit 2011

Petitioner objects to Exhibit 2011 to the extent Patent Owner relies on Exhibits 2005, 2006, 2007, 2008, 2009, and 2010 for the same reasons as provided above, and/or because Exhibits 2005, 2006, 2007, 2008, 2009, and 2010 are not qualified to be the basis for an expert opinion under FRE 703. Therefore, these portions of Exhibit 2011 are inadmissible under FRE 702 and FRE 703.

Petitioner also objects to Exhibit 2011, including, for example, Ex. 2014 ¶¶ 26-31, 35-37, 40, 43-50, 52-58, 79-191, as improper expert testimony under FRE

702 and 703, and 37 C.F.R. § 42.65, to the extent it does not rely on the kind of facts or data experts in the relevant field would reasonably rely upon without providing the underlying facts or data on which the opinion is based. Petitioner further objects to this exhibit as improper lay testimony under FRE 701, to the extent that Mr. Credelle is not qualified as an expert by knowledge, skill, experience, training, or education in the subject matter of the '521 patent, to the extent that Mr. Credelle does not have ordinary skill in the art of the '521 patent, and/or to the extent it offers testimony outside of Mr. Credelle's area of expertise or fails to disclose the underlying facts or data on which the opinion is based. Petitioner further objects to this exhibit to the extent it relies on the hearsay objected to herein.

Petitioner further objects to ¶¶ 1-84, 97, 99, 102, 104, 106, 110-111, 114-116, 120-124, 136, 138, 142-144, 146-147, 149-150, 154-166, 171-172, 174-176, 178-182, 185-186, 188, and 191 of Exhibit 2011 as being irrelevant under FRE 401, 402, and 403 because they have not been relied upon in support of any argument made in the Petition.

/Eliot D. Williams/
Eliot D. Williams (Reg. No. 50,822)
BAKER BOTTS L.L.P.

Date: February 5, 2024

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this February 5, 2024, a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**, were served to Patent Owner via electronic mail to:

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