

Filed on behalf of BeSang Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICRON TECHNOLOGY, INC.,
MICRON SEMICONDUCTOR PRODUCTS, INC., and
MICRON TECHNOLOGY TEXAS, LLC,
Petitioners,

v.

BESANG INC.,
Patent Owner.

Case No. IPR2023-00900
U.S. Patent No. 7,378,702

PATENT OWNER'S OBJECTIONS TO EVIDENCE

I. INTRODUCTION

Pursuant to the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.64(b)(1), Patent Owner BeSang Inc. timely objects to the evidence submitted by Petitioners in this proceeding. Patent Owner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c) unless Petitioners provide evidence curing the objections identified by Patent Owner below.

II. SPECIFIC OBJECTIONS

A. Exhibit 1002 – Declaration of Dr. Jack C. Lee

Patent Owner objects to Exhibit 1002 under FRE 701-705 and 801-802 because Dr. Lee has not been made available for deposition. Patent Owner reserves the right to raise any additional objections that become apparent from Dr. Lee’s deposition at that time if he is made available for deposition.

B. Exhibit 1009 – G. Groeseneken

Patent Owner objects to Exhibit 1009 under FRE 106 because Petitioners only purport to provide an excerpt of the document and have not made available a full copy to Patent Owner.

Patent Owner further objects to Exhibit 1009 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not

even assert that the document is prior art or make any other factual assertions regarding Exhibit 1009.

C. Exhibit 1016 – Horacio Mendez

Patent Owner objects to Exhibit 1016 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1016.

D. Exhibit 1018 – T. Mikolajick

Patent Owner objects to Exhibit 1018 under FRE 801-802 because it is offered for the truth of the matters asserted and is not subject to any hearsay exception. For example, Petitioners rely on historical statements in Exhibit 1018 for the truth of the matters asserted. *See, e.g.*, Paper 1 at 34-36; EX1002 ¶¶ 49-50, 98, 100.

Patent Owner further objects to Exhibit 1018 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1018.

E. Exhibit 1020 – Jim Handy

Patent Owner objects to Exhibit 1020 under FRE 801-802 because it is offered for the truth of the matters asserted and is not subject to any hearsay exception. For

example, Petitioners rely on statements of fact in Exhibit 1020 for the truth of the matters asserted. *See, e.g.*, EX1002 ¶¶ 50-52.

Patent Owner further objects to Exhibit 1020 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1020.

F. Exhibit 1024 – K.W. Lee

Patent Owner objects to Exhibit 1024 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1024.

G. Exhibit 1025 – NAND vs. NOR Flash Memory

Patent Owner objects to Exhibit 1025 under FRE 801-802 because it is offered for the truth of the matters asserted and is not subject to any hearsay exception. For example, Petitioners rely on statements of fact in Exhibit 1025 for the truth of the matters asserted. *See, e.g.*, EX1002 ¶ 55.

Patent Owner further objects to Exhibit 1025 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not

even assert that the document is prior art or make any other factual assertions regarding Exhibit 1025.

H. Exhibit 1027 – Soitec Timeline

Patent Owner objects to Exhibit 1027 under FRE 801-802 because it is offered for the truth of the matters asserted and is not subject to any hearsay exception. For example, Petitioners rely on certain dates in Exhibit 1027 for the truth of the matters asserted to attempt to establish what a person of ordinary skill in the art would have known by those dates. *See, e.g.*, EX1002 ¶ 47.

Patent Owner further objects to Exhibit 1027 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1027.

I. Exhibit 1028 – G. Shahidi

Patent Owner objects to Exhibit 1028 under FRE 801-802 because it is offered for the truth of the matters asserted and is not subject to any hearsay exception. For example, Petitioners rely on instructional material in Exhibit 1028 for the truth of the matters asserted. *See, e.g.*, EX1002 ¶ 48.

Patent Owner further objects to Exhibit 1028 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the

item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1028.

J. Exhibit 1029 – MicroChemicals

Patent Owner objects to Exhibit 1029 under FRE 801-802 because it is offered for the truth of the matters asserted and is not subject to any hearsay exception. For example, Petitioners rely on instructional material in Exhibit 1029 for the truth of the matters asserted. *See, e.g.*, EX1002 ¶ 48.

Patent Owner further objects to Exhibit 1029 under FRE 901 because Petitioners have not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioners do not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1029.

ARMOND WILSON LLP

Dated: December 4, 2023

By: /Michelle E. Armond/
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CERTIFICATE OF SERVICE

The undersigned certifies that pursuant to 37 C.F.R. § 42.6(e), a true copy of the foregoing **PATENT OWNER’S OBJECTIONS TO EVIDENCE** is being served electronically on December 4, 2023 to the following lead counsel for Petitioner to the following email addresses:

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