

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 1033 – Beilliard

Patent Owner objects to Exhibit 1033 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1033 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 1033.

B. Exhibit 1035 – Reif

Patent Owner objects to Exhibit 1035 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in

this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1035 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 1035.

C. Exhibit 1037 – SEM Image

Patent Owner objects to Exhibit 1037 under FRE 401-403 because Exhibit 1037 is not relevant to any issue in the IPR. Petitioners filed Exhibit 1037 with their Reply (Paper 20), but neither Petitioners nor their declarant cite or refer to Exhibit 1037 for any purpose. Thus, Exhibit 1037 is irrelevant and should be excluded.

D. Exhibit 1038 – Watanabe Figure 7 Mockup (1 of 2)

Patent Owner objects to Exhibit 1038 under FRE 401-403 because Exhibit 1038 is not relevant to any issue in the IPR. Petitioners filed Exhibit 1038 with their Reply (Paper 20), but neither Petitioners nor their declarant cite or refer to Exhibit 1038 for any purpose. Thus, Exhibit 1038 is irrelevant and should be excluded.

E. Exhibit 1039 – Watanabe Figure 7 Mockup (2 of 2)

Patent Owner objects to Exhibit 1039 under FRE 401-403 because Exhibit 1039 is not relevant to any issue in the IPR. Petitioners filed Exhibit 1039 with their Reply (Paper 20), but neither Petitioners nor their declarant cite or refer to Exhibit 1039 for any purpose. Thus, Exhibit 1039 is irrelevant and should be excluded.

F. Exhibit 1040 – *Certain Semiconductor Chips and Prods. Containing Same*, ITC Inv. No. 337-TA-753, 2012 WL 927056 (Mar. 2, 2012)

Patent Owner objects to Exhibit 1040 under FRE 401-403 because Exhibit 1040 is not relevant to any issue in the IPR, and any probative value is substantially outweighed by the danger of unfair prejudice and confusing the issues.

G. Exhibit 1041 – Reply Declaration of Dr. Jack C. Lee

Patent Owner objects to Exhibit 1041 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.

Patent Owner further objects to paragraphs 12-70 of Exhibit 1041 because the evidence is improper reply evidence that could have been presented earlier, raises new invalidity theories that should have been disclosed in the Petition or Dr. Lee's original declaration (Exhibit 1002), and/or seeks to retract Petitioners' own

statements and expert testimony. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

H. Exhibit 1047 – ITRS Front End Processes

Patent Owner objects to Exhibit 1047 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1047 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 1047.

I. Exhibit 1048 – U.S. Patent No. 6,951,798 to Booske

Patent Owner objects to Exhibit 1048 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

J. Exhibit 1049 – Lucovsky

Patent Owner objects to Exhibit 1049 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in

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this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1049 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 1049.

K. Exhibit 1050 – Wong

Patent Owner objects to Exhibit 1050 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1050 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 1050.

L. Exhibit 1052 – Mercer

Patent Owner objects to Exhibit 1052 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in

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this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1052 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 1052.

M. Exhibit 1053 – Regner

Patent Owner objects to Exhibit 1053 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1053 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 1053.

N. Exhibit 1054 – Smith

Patent Owner objects to Exhibit 1054 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in

this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1054 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 1054.

O. Exhibit 1055 – Niklaus

Patent Owner objects to Exhibit 1055 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1055 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 1055.

P. Exhibit 1057 – Bez

Patent Owner objects to Exhibit 1057 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in

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this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1057 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 1057.

Q. Exhibit 1058 – Pavan

Patent Owner objects to Exhibit 1058 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1058 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 1058.

R. Exhibit 1059 – Thompson Dissertation

Patent Owner objects to Exhibit 1059 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in

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this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1059 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 1059.

S. Exhibit 1060 – Thompson Article

Patent Owner objects to Exhibit 1060 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019) at 73-74.

Patent Owner further objects to Exhibit 1060 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 1060.

T. Exhibit 1061 – U.S. Patent No. 5,519,236

Patent Owner objects to Exhibit 1061 because the evidence is improper reply evidence that was not submitted with the Petition and is not part of any ground in

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this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019)
at 73-74.

U. Exhibit 1062 – U.S. Patent No. 5,932,920

Patent Owner objects to Exhibit 1062 because the evidence is improper reply
evidence that was not submitted with the Petition and is not part of any ground in
this IPR. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (Nov. 2019)
at 73-74.

ARMOND WILSON LLP

Dated: May 10, 2024

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Attorneys for BeSang Inc.

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 May 10, 2024 to the following lead counsel for Petitioner to the following email addresses:

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