

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIANYANG BOE OPTOELECTRONICS TECHNOLOGY CO., LTD.; WUHAN
CHINA STAR OPTOELECTRONICS SEMICONDUCTOR DISPLAY
TECHNOLOGY CO., LTD.; TIANMA MICROELECTRONICS CO. LTD.; AND
VISIONOX TECHNOLOGY, INC.
Petitioner,

v.

SAMSUNG DISPLAY CO., LTD.
Patent Owner.

Case No. IPR2023-00941
U.S. Patent No. 7,414,599

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to evidence associated with Patent Owner's Response (Paper 31 including the public and sealed versions) in this proceeding.

- Exhibit 2008 (Sealed Declaration of Andrew Wolfe, Ph.D.): Petitioner objects to paragraphs 136, 138, 141–43 of the declaration on the grounds of hearsay, F.R.E. 403, lack of personal knowledge, expert testimony by a non-expert, and speculation. For example, Dr. Wolfe simply serves as mouthpiece for a non-declarant in relating what a Patent Owner employee allegedly told him regarding both technical and non-technical matters. As further example, these paragraphs include assertions and interpretation of technical documents such as Exhibit 2019 that are straight from Patent Owner's employees (*see, e.g.,* ¶ 142 “[Patent Owner Employee] also explained to me that ...”). This approach is repeated in each of paragraphs 136, 138, 141–43. Petitioner objects to paragraphs 139-144 on the grounds of hearsay, authentication, speculation, F.R.E. 403, and relevance as based on information purportedly provided by Patent Owner's counsel that Patent Owner's counsel attributes to Petitioner Mianyang BOE. These paragraphs confuse the issues and waste the parties' and the Board's

resources/time on collateral matters that have not been raised in the IPR.

- Exhibit 2009 (Replay the Display, *Mass Production of AMOLED – Samsung’s Dramatic Success That Changed the History of Displays*, Samsung Display Newsroom (Feb. 17, 2003)); and Exhibit 2010 (Society of Information Display, *Mobile Displays Technology and Applications* (Achintya K. Bhowmik et al.) (2008)): Petitioner objects that these exhibits lack proper authentication and are incomplete and misleading (F.R.E. 403). Petitioner further objects on the grounds of hearsay and relevance.
- Exhibit 2011 (Dawson et al., *Design of an Improved Pixel for a Polysilicon Active-Matrix Organic LED Display*, Society of Information Display (1998)) through Exhibit 2017 (Sung-eun Kim, *Climbing Mt. Fuji on Handstand?*): Petitioner objects that these seven exhibits lack proper authentication. Petitioner further objects on the grounds of relevance and F.R.E. 403.
- Exhibit 2018 (Samsung Galaxy S21 AMOLED Display Claim Chart) and Exhibit 2019 (Samsung Display Galaxy S21 Circuit PDR): Petitioner objects on the ground of F.R.E. 403. Submitting an 86-page single-spaced claim chart unrelated to the prior art at issues confuses

the issues and wastes the parties' and the Board's time/resources on collateral matters. Exhibit 2018 is only marginally referenced in the Petition and is an improper attempt to incorporate material by reference and circumvent the word count limit. Exhibit 2019 (cited only once in the Petition) is irrelevant, confusing, unduly prejudicial, confuses the issues, and is a waste of time for the parties and the Board.

- Exhibit 2020 (Teardown Photos of Samsung Galaxy S21 Product): Petitioner objects that this exhibit lacks proper authentication and is incomplete, misleading/confusing (F.R.E. 403), and speculative. Petitioner further objects on the grounds of hearsay, relevance, lack of personal knowledge. Petitioner also object that this exhibit constitutes improper lay testimony.
- Exhibit 2021 (Baek Byung-yuel, *Professor Kwon Wins Top Scientist Award of 2021*, The Korea Times (2021)) through Exhibit 2023 (Sung Kyun Kwan University, *2016 Karl Ferdinand Braun Prize for AMOLED*, Society for Information Display (2016)): Petitioner objects that these three exhibits lack proper authentication. Petitioner further objects on the grounds of relevance and F.R.E. 403.
- Exhibit 2024 (U.S. Pat. 9,666,132) and Exhibit 2025 (U.S. Pat. 8,941,309): Petitioner objects on the grounds of relevance and F.R.E.

403. For example, whether Petitioner has U.S. patents, the number of such patents, and/or whether Petitioner practices any of its patents is irrelevant to the validity of the challenged '599 patent. Focusing on such collateral issues is far more prejudicial than probative, confuses the issues, and wastes the parties' and the Board's time/resources.

- Exhibit 2026 (Teardown Photos of MobileSentry Product) through Exhibit 2042 (Teardown Photos of DFW Product): Petitioner objects that these seventeen exhibits lack proper authentication and are incomplete. Petitioner further objects on the grounds of relevance, hearsay, and F.R.E. 403 (*e.g.*, far more prejudicial than probative, cumulative, waste of the parties' and the Board's time/resources). The amount of time and effort required to properly understand and adequately reverse engineer seventeen products (whose relevance is marginal at best) from single partial layouts without circuit diagrams is wasteful of the parties' and the Board's limited time/resources, confuses the issues, and is far more prejudicial than probative.
- Exhibit 2043 (Declaration of Aris Silzars, Ph.D.): Petitioner objects that this exhibit lacks proper authentication and is cursory and incomplete. Petitioner further objects on the grounds of relevance, hearsay, and F.R.E. 403.

- Exhibit 2046 (Declaration of [Patent Owner Employee]): Petitioner objects on the grounds of lacking personal knowledge and speculation.
- Exhibit 2047 (*Samsung Display Co., Ltd. v. BOE Tech. Co., Ltd. et al.*, Case No. 2- 23-cv-00309, Compl. (E.D. Tex. Jun. 26, 2023)): Petitioner objects that this exhibit contains materials lacking proper authentication. Petitioner further objects on the grounds of relevance, hearsay, and F.R.E. 403. This exhibit is a district court Complaint that by its very terms pleads repeatedly and expressly “upon information and belief” (including the very things it is cited for by Patent Owner and Dr. Wolfe) and is not proper evidence of any substantive factual or technical matter in this IPR proceeding.
- Exhibit 2049 (*Study of Leakage Current in n-channel and p-channel Polycrystalline Silicon Thin-film Transistors by Conduction and Low Frequency Noise Measurements*, C.T. Angelis, et. al, J. Appl. Phys. 82, 4095- 4101 (1997)): Petitioner objects that this exhibit lacks proper authentication. Petitioner further objects on the grounds of hearsay, relevant, and F.R.E. 403.
- Exhibit 2050 (Transcript of February 23, 2024 Deposition of Daniel Foty): Petitioner maintains objections stated on the record and further objects on the ground of relevance.

- Exhibit 2051 (Sourcely Plus AMOLED Display Claim Chart) and Exhibit 2052 (Injured Gadgets AMOLED Display Claim Chart):
Petitioner objects that these exhibits lack proper authentication. Petitioner further objects on the grounds of foundation, relevance, and F.R.E. 403. These exhibits (and the materials therein such as purported teardown images) have no supporting expert testimony or opinion and lack foundation and proper authentication.

Dated: March 20, 2024

Respectfully submitted,

/Travis Jensen/
Travis Jensen
Reg. No. 60,087
ORRICK, HERRINGTON &
SUTCLIFFE, LLP
1000 Marsh Road
Menlo Park, CA 94025
Telephone: (650) 614-7400
Facsimile: (650) 614-7401
Email: T61PTABDocket@orrick.com

Attorneys for Petitioner

CERTIFICATE OF SERVICE

The undersigned certifies that on March 20, 2024, a copy of the following was served in its entirety via electronic mail, upon the following attorneys of record for the Patent Owner:

David A. Garr Scott C. Weidenfeller COVINGTON & BURLING LLP One CityCenter, 850 Tenth Street NW Washington, D.C. 20001	SDC-BOE-IPR@cov.com
--	--

/Karen Johnson/
Karen Johnson