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. IPR2023-00987
U.S. Patent No. 9,818,803

PETITIONER'S OBJECTIONS TO PATENT OWNER'S SUR-REPLY EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners hereby object to the exhibits cited and relied upon in Patent Owner's August 5, 2024 sur-reply on the following grounds. For each objected to exhibit, the pertinent Federal Rule of Evidence ("FRE") or other rule that gives rise to the objection is provided, along with a brief summary of the basis of the objection.

1. Ex. 2083 – Excerpts from Dr. Pattison's Trial Testimony in *Certain Active Matrix Organic Light-Emitting Diode Display Panels and Modules for Mobile Devices, and Components Thereof*, Inv. No. 337-TA-1351 (Int'l Trade Comm'n, July 8-9, 2024): 37 C.F.R. 42.23(b). This exhibit is not the deposition transcript of the cross-examination of a reply witness. Thus, it was not permitted to accompany Patent Owner's sur-reply.

2. Ex. 2084 – Excerpts from Nilsson & Riedel, *Electric Circuits* (5th ed. 1996): 37 C.F.R. 42.6(c), 42.23(b). This exhibit is referenced by Patent Owner's sur-reply but was not filed. Nor could it have been filed as it is not the deposition transcript of the cross-examination of a reply witness. Thus, it was not permitted to accompany Patent Owner's sur-reply either directly or indirectly via Dr. Pattison's deposition transcript.

3. Ex. 2085 - Excerpts from Kaplan, *Wiley Electrical and Electronics Engineering Dictionary* (2004): 37 C.F.R. 42.6(c), 42.23(b). This exhibit is referenced by Patent Owner's sur-reply but was not filed. Nor could it have been

filed as it is not the deposition transcript of the cross-examination of a reply witness. Thus, it was not permitted to accompany Patent Owner's sur-reply either directly or indirectly via Dr. Pattison's deposition transcript.

4. Ex. 2086 - Transcript of July 30, 2024 Deposition of Morgan Pattison, Ph.D: 37 C.F.R. 42.23(b). The questions and testimony spanning 16:3-18:14 and 32:14-39:20 reference exhibits improperly filed and/or introduced only with Patent Owner's sur-reply.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: August 12, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on August 12, 2024 via email upon the following counsel of record for Patent Owner:

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