

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,

Petitioner,

v.

BESANG INC.,

Patent Owner.

IPR2023-00991

Patent No. 7,378,702

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE
UNDER 37 C.F.R. § 42.64(b)(1)**

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Intel Corporation objects to Exhibits 2024, 2027, 2028, 2031-2033, 2041, 2042 and 2044-2046 submitted by Patent Owner BeSang Inc. with its Response (Paper 17) filed March 13, 2024. The objection is based on 37 C.F.R. Part 42, and the relevant portions of Federal Rules of Evidence (“FRE”) that apply to *inter partes* review proceedings under 37 C.F.R. § 42.62. The objection has been timely filed and served within five business days of service of evidence.

II. OBJECTIONS TO EVIDENCE

A. Exhibit 2024

Petitioner hereby objects to Exhibit 2024 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibit 2024 under F.R.E. 106. Patent Owner has produced an incomplete excerpt of the document and has not made a complete version available to Petitioner.

B. Exhibit 2027

Petitioner hereby objects to Exhibit 2027 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibit 2027 under F.R.E. 401, 402, and 403.

Patent Owner cites to Exhibit 2027 as alleged state of the art. Exhibit 2027 has a copyright date of 2012. Thus, contrary to Patent Owner's assertion, Exhibit 2027 is not relevant to the state of the art at the relevant time. Furthermore, Exhibit 2027 is not prior art.

C. Exhibit 2028

Petitioner objects to Exhibit 2028 as impermissible hearsay under F.R.E. 801 and 802 to the extent to which the out of court statements therein are offered for the truth of the matters asserted and constitute impermissible hearsay for which Patent Owner has not demonstrated any exception or exclusion to the rule against hearsay. Exhibit 2028 is a deposition transcript from other proceeding to which Petitioner is not a party and so was not present or represented at that deposition. Accordingly, permitting reliance on Exhibit 2028 in the Patent Owner Response or other submissions by Patent Owner would be misleading and unfairly prejudicial to Petitioner (F.R.E. 403).

D. Exhibits 2031 & 2032

Petitioner hereby objects to Exhibits 2031 & 2032 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibits are not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibits 2031 & 2032 as impermissible hearsay

under F.R.E. 801 and 802 to the extent to which the out of court statements therein are offered for the truth of the matters asserted and constitute impermissible hearsay for which Patent Owner has not demonstrated any exception or exclusion to the rule against hearsay. Accordingly, permitting reliance on these documents in the Patent Owner Response or other submissions by Patent Owner would be misleading and unfairly prejudicial to Petitioner (F.R.E. 403).

E. Exhibit 2033

Petitioner hereby objects to Exhibit 2033 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibit 2033 under F.R.E. 401, 402, and 403. Exhibit 2033 has a copyright date of 2006. Thus, Exhibit 2033 is not relevant to the state of the art at the relevant time and is not prior art.

Petitioner further objects to Exhibit 2033 under F.R.E. 106. Patent Owner has produced an incomplete excerpt of the document and has not made a complete version available to Petitioner.

F. Exhibit 2041

Petitioner hereby objects to Exhibit 2041 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

G. Exhibit 2042

Petitioner hereby objects to Exhibit 2042 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

H. Exhibit 2044

Petitioner hereby objects to Exhibit 2044 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

I. Exhibit 2045

Petitioner hereby objects to Exhibit 2045 under F.R.E. 901, 1002, and 37 C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibit 2045 under F.R.E. 401, 402, and 403. Exhibit 2045 has a copyright date of 2005. Thus, Exhibit 2045 is not relevant to the state of the art at the relevant time and is not prior art.

Petitioner further objects to Exhibit 2045 under F.R.E. 106. Patent Owner has produced an incomplete excerpt of the document and has not made a complete version available to Petitioner.

J. Exhibit 2046

Petitioner hereby objects to Exhibit 2046 under F.R.E. 901, 1002, and 37

C.F.R. § 42.61 because Patent Owner fails to provide the authentication required for these documents, and the Exhibit is not self-authenticating under F.R.E. 902.

Petitioner further objects to Exhibit 2046 under F.R.E. 401, 402, and 403. Exhibit 2046 has a copyright date of 2005. Thus, Exhibit 2046 is not relevant to the state of the art at the relevant time and is not prior art.

Petitioner further objects to Exhibit 2046 under F.R.E. 106. Patent Owner has produced an incomplete excerpt of the document and has not made a complete version available to Petitioner.

Dated: March 20, 2024

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Respectfully submitted,

/ Jessica C. Kaiser /

Lead Counsel

Jessica C. Kaiser, Reg. No. 58,937

Attorney for Petitioner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing: PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE UNDER 37 C.F.R. § 42.64(b)(1) by email to the electronic service addresses for Patent Owner:

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Dated: March 20, 2024

Respectfully submitted,

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