

Filed on behalf of BeSang Inc.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

BESANG INC.,
Patent Owner.

Case No. IPR2023-00991
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 Petitioner Intel Corporation in this proceeding. Patent Owner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c) unless Petitioner provides evidence curing the objections identified by Patent Owner below.

II. SPECIFIC OBJECTIONS

A. Exhibit 1037 – Reply Declaration of Dr. Carl Sechen

Patent Owner objects to Exhibit 1037 under FRE 701-705 and 801-802 because Dr. Sechen has not been made available for deposition. Patent Owner reserves the right to raise any additional objections that become apparent from Dr. Sechen’s deposition at that time if he is made available for deposition.

Patent Owner further objects to paragraphs 7-66 of Exhibit 1037 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. Sechen’s original declaration (Exhibit 1003), and/or seeks to retract Petitioner’s own statements and expert testimony. *See* 37 C.F.R. § 42.23(b); Consol. Trial Practice Guide (“TPG”) (Nov. 2019) at 73-74. For example, paragraphs 22-25 of Exhibit 1037 assert “process optimization” as a motivation to combine even though this rationale was not presented in the Petition, *see* Paper 2, and is not responsive to any

argument about any such motivation in Patent Owner’s Response or Preliminary Response, *see* Papers 6, 17, rendering these paragraphs improper reply evidence. *See, e.g.*, TPG at 74 (“‘Respond,’ in the context of 37 C.F.R. § 42.23(b), does not mean proceed in a new direction with a new approach as compared to the positions taken in a prior filing.”).

B. Exhibit 1038 – *BeSang Inc. v. Intel Corp.* D. Or. Docket

Patent Owner objects to Exhibit 1038 under FRE 401-403 because Exhibit 1038 is not relevant to any issue in the IPR. Petitioner filed Exhibit 1038 with its Reply (Paper 21), but neither Petitioner nor its declarant cite or refer to Exhibit 1038 for any purpose. Thus, Exhibit 1038 is irrelevant and should be excluded.

C. Exhibit 1039 – *BeSang Inc. v. Micron Tech.* E.D. Tex. Docket

Patent Owner objects to Exhibit 1039 under FRE 401-403 because Exhibit 1039 is not relevant to any issue in the IPR. Petitioner filed Exhibit 1039 with its Reply (Paper 21), but neither Petitioner nor its declarant cite or refer to Exhibit 1039 for any purpose. Thus, Exhibit 1039 is irrelevant and should be excluded.

D. Exhibit 1040 – *Aspar (Electronic Letters Article)*

Patent Owner objects to Exhibit 1040 under FRE 401-403 because Exhibit 1040 is not relevant to any issue in the IPR. Petitioner filed Exhibit 1040

with its Reply (Paper 21), but neither Petitioner nor its declarant cite or refer to Exhibit 1040 for any purpose. Thus, Exhibit 1040 is irrelevant and should be excluded.

Patent Owner further objects to Exhibit 1040 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1040.

E. Exhibit 1041 – Gösele

Patent Owner objects to Exhibit 1041 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 1041 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1041.

F. Exhibit 1042 – Tong

Patent Owner objects to Exhibit 1042 under FRE 401-403 because Exhibit 1042 is not relevant to any issue in the IPR. Petitioner filed Exhibit 1042 with its Reply (Paper 21), but neither Petitioner nor its declarant cite or refer to Exhibit 1042 for any purpose. Thus, Exhibit 1042 is irrelevant and should be excluded.

Patent Owner further objects to Exhibit 1042 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1042.

G. Exhibit 1043 – Kwon

Patent Owner objects to Exhibit 1043 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 1043 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not

even assert that the document is prior art or make any other factual assertions regarding Exhibit 1043.

H. Exhibit 1044 – Kwon (Wafer Bonding Using Low-K Dielectrics As Bonding Glues In Three-Dimensional Integration)

Patent Owner objects to Exhibit 1044 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 1044 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1044.

I. Exhibit 1045 – U.S. Patent No. 6,054,370 (Doyle)

Patent Owner objects to Exhibit 1045 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 1046 – Parat

Patent Owner objects to Exhibit 1046 under FRE 401-403 because Exhibit 1046 is not relevant to any issue in the IPR. Petitioner filed Exhibit 1046

with its Reply (Paper 21), but neither Petitioner nor its declarant cite or refer to Exhibit 1046 for any purpose. Thus, Exhibit 1046 is irrelevant and should be excluded.

Patent Owner further objects to Exhibit 1046 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1046. Exhibit 1046 also appears to be dated 2015 and thus cannot be prior art.

K. Exhibit 1047 – Gower-Hall

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 Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1047.

L. Exhibit 1048 – Street

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.

Patent Owner further objects to Exhibit 1048 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1048.

M. Exhibit 1049 – U.S. Patent No. 6,544,837 (Divakauni)

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

N. Exhibit 1050 – Niklaus

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 Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1050.

O. Exhibit 1051 – Grebene

Patent Owner objects to Exhibit 1051 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 1051 under FRE 901 because Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not even assert that the document is prior art or make any other factual assertions regarding Exhibit 1051.

P. Exhibit 1052 – U.S. Patent No. 5,978,258 (Manning)

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

Q. Exhibit 1053 – U.S. Patent No. 5,714,393 (Wild)

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.

R. Exhibit 1054 – U.S. Patent No. 6,621,722 (Yu)

Patent Owner objects to Exhibit 1054 under FRE 401-403 because Exhibit 1054 is not relevant to any issue in the IPR. Petitioner filed Exhibit 1054 with its Reply (Paper 21), but neither Petitioner nor its declarant cite or refer to Exhibit 1054 for any purpose. Thus, Exhibit 1054 is irrelevant and should be excluded.

S. Exhibit 1055 – Guarini

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 Petitioner has not produced any evidence “sufficient to support a finding that the item is what the proponent claims it is.” FRE 901(a). Indeed, Petitioner does not

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even assert that the document is prior art or make any other factual assertions regarding Exhibit 1055.

T. Exhibit 1057 – U.S. Patent No. 5,661,408 (Kamieniecki)

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

ARMOND WILSON LLP

Dated: June 12, 2024

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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 June 12, 2024 to the following counsel for Petitioner to the following email addresses:

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ARMOND WILSON LLP

Dated: June 12, 2024

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