UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BMW OF NORTH AMERICA, LLC,
Petitioner,

v.

NORTHSTAR SYSTEMS LLC,
Patent Owner

Case No. IPR2023-01017
U.S. Patent No. 8,014,943

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to certain exhibits submitted by Patent Owner. Petitioner's objections apply equally to Patent Owner's reliance on these exhibits in any subsequently filed documents. These objections are timely, having been served within five business days of service of the evidence to which this objection is directed.

Exhibit 2004

Petitioner objects to Exhibit 2004 under Rules 403, 602, and 703 of the Federal Rules of Evidence and 37 C.F.R. § 42.65, because Dr. Kia appears to base his knowledge, analysis, and opinions on materials that have not been disclosed. *See, e.g.,* Ex. 2004 at ¶¶ 33, 39-40, 50. Because Dr. Kia relies on undisclosed materials, "personal knowledge," and "personal experience," despite having no related experience regarding the prior art on which he opines, Ex. 2004, Ex. A, Exhibit 2004 is an improper declaration, and Dr. Kia's opinions are more prejudicial than probative and should be given little weight.

Petitioner also objects to Exhibit 2004 under Rules 403 and 702 of the Federal Rules of Evidence, 37 C.F.R. § 42.65, and 37 C.F.R. § 42.61(c), because Dr. Kia's opinions are conclusory, lack sufficient explanation, are not based on sufficient facts or data, and are not the product of reliable principles and methods reliably applied to the facts of the case, at least because Dr. Kia opines on disclosed and undisclosed references that have no rational link to the prior art references. In

short, Dr. Kia's opinions are without any underlying facts to support his conclusions. *See, e.g.*, Ex. 2004 at ¶¶ 32-33, 38-40, 43, 46-48, 50. Accordingly, Ex. 2004 is an improper declaration, and Dr. Kia's opinions are more prejudicial than probative and should be given little weight.

Petitioner also objects to Exhibit 2004 under Rule 403, 702, and 703 of the Federal Rules of Evidence, 37 C.F.R. § 42.65, and 37 C.F.R. § 42.61(c), because Dr. Kia does not satisfy the level of ordinary skill in the art in this case. Patent Owner and Dr. Kia adopted Petitioner's level of a person of ordinary skill in the art, which the Board also adopted. Paper No. 7 at 7; Ex. 2004 at ¶ 22. The ordinary skill in the art in this case is "at least a Bachelor degree in Computer or Electrical Engineering, or equivalent engineering discipline, and approximately three years' experience in telecommunications, navigation, or geolocation systems." *Id.* Dr. Kia fails to possess the level of a person of ordinary skill in the art in this case because he has no years of experience in telecommunications, navigation, or geolocation systems. Ex. 2004, Ex. A. Accordingly, Ex. 2004 is an improper declaration, and Dr. Kia's opinions are more prejudicial than probative and should be given little weight.

Date: March 8, 2024

Respectfully submitted,

/Lionel M. Lavenue/

Lionel M. Lavenue (Reg. No. 46,859)
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EXHIBITS** was served on March 8, 2024 via email to counsel of record for the Patent Owner:

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Dated: March 8, 2024

By: /Lisa C. Hines/
Lisa C. Hines
Case Manager

FINNEGAN, HENDERSON, FARABOW,
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