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. IPR2023-01075
U.S. Patent No. 11,594,578

PETITIONER'S OBJECTIONS TO PATENT OWNER'S RESPONSE 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 April 1, 2024 response 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. 2009 - Declaration of Ioannis Kymissis, Ph.D.: FRE 602. Paragraphs 342, 344, and 346 improperly includes statements relating to the purported origin of certain products of which the declarant has no personal knowledge. **FRE 702.** The declaration improperly relies on various un-authenticated and hearsay containing exhibits (*see* below exhibit specific discussion).

2. Ex. 2013 - Korea Industry Post, *Popularity of Galaxy S4 to Kickstart Demand for AMOLED Market*, (2013): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where the exhibit published or who authored it. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin). And, Patent Owner has not established that any hearsay exception applies.

3. Ex. 2014 - Dr. *Raymond* M. Soneria, *Galaxy S4 Display Technology Shoot-Out*, DisplayMate Technologies: FRE 901. Patent Owner has failed to

properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin). And, Patent Owner has not established that any hearsay exception applies.

4. Ex. 2022 - Bogdan Petrovan, *Diamond Pixels: Galaxy S4's Unique Subpixel Arrangement Gets a Close Up* (2013): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin). And, Patent Owner has not established that any hearsay exception applies.

5. Ex. 2023 - Hyunjung Jung, *History of Advancement of 'AMOLED', Core Competitiveness of Galaxy* (2014) (including certified English translation): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any

hearsay exception applies. **37 CFR 1.132.** The associated translation certification is improper in that it is neither an affidavit nor declaration.

6. Ex. 2024 - Nell Hughes, *Apple Won't Adapt AMOLED Displays in iPhones Until 2019 at the Earliest, Insider Says* (2015): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies.

7. Ex. 2025 - Dr. Raymond M. Soneira, *Smartphone "Super" LCD-OLED Display Technology Shoot-Out*, DisplayMate Technologies: FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies.

8. Ex. 2026 - Jin-Gyu Meyong, *Sharper Galaxy S4, the Secret Weapon is the 'Diamond'* (2013) (including certified English translation): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the

record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies. **37 CFR 1.132.** The associated translation certification is improper in that it is neither an affidavit nor declaration.

9. Ex. 2027 - Dr. Raymond M. Soneira, *Samsung Diamond Pixels*, DisplayMate Technologies: FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin). And, Patent Owner has not established that any hearsay exception applies.

10. Ex. 2028 - Samsung Galaxy S22 Ultra AMOLED Display Claim Chart: FRE 901. Patent Owner has failed to properly authenticate the information in this exhibit. Among other things, it is unclear from the record when and where the purportedly depicted product was obtained, when it was available, or who is responsible for the manufacture of its components. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted. And, Patent Owner has not established that any hearsay

exception applies. **37 CFR § 42.6(a)(3).** Patent Owner improperly incorporates arguments from this exhibit into its response by reference.

11. Ex. 2029 - Teardown Photos of Samsung Galaxy S22 Ultra Product: FRE 901. Patent Owner has failed to properly authenticate the information in this exhibit. Among other things, it is unclear from the record when and where the purportedly depicted products were obtained, when they were available, who is responsible for the manufacture of their components, or how the pictures were generated.

12. Ex. 2034 - *Detailed Explanation: Why Zhou Dongyu's BOE Screen is Not as Good as Samsung Screen*: FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available or who authored it. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies.

13. Ex. 2035 - Xiaojian, *What Exactly was the Scolded "Dongyu Zhou" Screen Like? Is it Really Unusable?* (2020): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including

statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies.

14. Ex. 2036 - Li-Qin Shao et al., *The Development of 403ppi Real RGB Printing AMOLED*, Society of Information Display (2019): FRE 802. This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to various purported product features). And, Patent Owner has not established that any hearsay exception applies.

15. Ex. 2037 - Hyungsoo Lee*, Secret to the Face of Galaxy S4, Reason for Striking Resolution* (2013) (including certified English translation): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies. **37 CFR 1.132.** The associated translation certification is improper in that it is neither an affidavit nor declaration.

16. Ex. 2038 - Chris Davies, *The iPhone X has the Best Smartphone Display Around* (2017): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available and who

authored it. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies.

17. Ex. 2039 - Dr. Raymond M. Soneira, *iPhone X Display Technology Shoot-Out*, DisplayMate Technologies: FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies.

18. Ex. 2040 - Bryan Jones, *iPhone X Pixels* (2017), Jonesblog: FRE 802. This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies.

19. Ex. 2041 - *Samsung Display Co., Ltd. v. BOE Tech. Co. Ltd. et al.*, Case No. 2-23-cv-00309, Compl. (E.D. Tex. Jun. 26, 2023): FRE 802. This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to various purported

product features). And, Patent Owner has not established that any hearsay exception applies. **37 CFR § 42.6(a)(3).** Patent Owner improperly incorporates arguments from this exhibit into its response by reference.

20. Ex. 2042 - Group Vertical AMOLED Display Claim Chart: FRE 901. Patent Owner has failed to properly authenticate the information in this exhibit. Among other things, it is unclear from the record when and where the purportedly depicted product was obtained, when it was available, or who is responsible for the manufacture of its components. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted. And, Patent Owner has not established that any hearsay exception applies. **37 CFR § 42.6(a)(3).** Patent Owner improperly incorporates arguments from this exhibit into its response by reference.

21. Ex. 2043 - Sourcely Plus AMOLED Display Claim Chart: FRE 901. Patent Owner has failed to properly authenticate the information in this exhibit. Among other things, it is unclear from the record when and where the purportedly depicted product was obtained, when it was available, or who is responsible for the manufacture of its components. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted. And, Patent Owner has not established that any hearsay exception applies.

37 CFR § 42.6(a)(3). Patent Owner improperly incorporates arguments from this exhibit into its response by reference.

22. Exs. 2044-2060 - Teardown photos of various products: FRE 901. Patent Owner has failed to properly authenticate the information in these exhibits. Among other things, it is unclear from the record when and where the purportedly depicted products were obtained, when they were available, who is responsible for the manufacture of their components, or how the pictures were generated.

23. Ex. 2061 - Declaration of Aris Silzars, Ph.D.: FRE 602. Paragraphs 2-19 improperly include statements relating to the purported origin of certain products of which the declarant has no personal knowledge. **FRE 701 / 702.** The witness has neither established that he is an expert, nor that his testimony constitutes proper lay opinion. **FRE 702.** To the extent the declaration purports to include expert opinions, it lacks explanation of its underlying basis and is thus unreliable. For instance, no explanation of the procedure or methods followed is provided. **FRE 802.** The exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including the origin of the depicted product). And, Patent Owner has not established that any hearsay exception applies.

24. Ex. 2063 - Declaration of Adam Fontecchio, Ph.D.: FRE 602. Paragraphs 2-3 improperly include statements relating to the purported origin of certain products of which the declarant has no personal knowledge. **FRE 701 / 702.**

The witness has neither established that he is an expert, nor that his testimony constitutes proper lay opinion. **FRE 702.** To the extent the declaration purports to include expert opinions, it lacks explanation of its underlying basis and is thus unreliable. For instance, no explanation of the procedure or methods followed is provided. **FRE 802.** The exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including the origin of the depicted product). And, Patent Owner has not established that any hearsay exception applies.

25. Ex. 2064 - Sung-eun Kim, *Climbing Mt. Fuji on Handstand?* (including certified English translation): FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available or who authored it. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies. **37 CFR 1.132.** The associated translation certification is improper in that it is neither an affidavit nor declaration.

26. Ex. 2065 - Yoon Jeong-hyun, *Samsung Display Achieves the Highest Definition Quality With Tenacity, Full HD "Revolution,"* BIZ Insight (2013) (including certified English translation): FRE 901. Patent Owner has failed to

properly authenticate this exhibit. It is unclear from the record when and where it was available or who authored it. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and various purported product features). And, Patent Owner has not established that any hearsay exception applies. **37 CFR 1.132.** The associated translation certification is improper in that it is neither an affidavit nor declaration.

27. Ex. 2066 - *Public-Private Commitment to Ceaseless Effort for Display Super Gap*, Ministry of Trade, Industry, and Energy (2023): FRE 802. This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and the referenced award). And, Patent Owner has not established that any hearsay exception applies.

28. Exs. 2067-2072 – Various documents attributed by Patent Owner to Dr. Raymond M. Soneira: FRE 901. Patent Owner has failed to properly authenticate this exhibit. It is unclear from the record when and where it was available. **FRE 802.** This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to the exhibit's origin and the product discussed therein). And, Patent Owner has not established that any hearsay exception applies.

29. Ex. 2075 - DE Patent No. 10 2011 053 000 B4 (including certified English translation): 37 CFR 1.132. The associated translation certification is improper in that it is neither an affidavit nor declaration.

Respectfully submitted,

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Dated: April 8, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on April 8, 2024 via email upon the following counsel of record for Patent Owner:

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