

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 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

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