UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Hisense USA Corporation

Petitioner

v.

Brightplus Ventures LLC

Patent Owner

Case IPR2023-01412

U.S. Patent No. 7,872,705

PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PETITIONER'S PETITION

Pursuant to 37 C.F.R. § 42.10(b), Patent Owner, Brightplus Ventures LLC, objects as follows to the admissibility of the evidence served with Petitioner's Petition for *Inter Partes* Review.

Exhibit No.	Document	Objections
1005	Declaration of Rafael Betancourt	37 C.F.R. § 42.65: The exhibit contains expert testimony that does not disclose the underlying facts or data on which the opinion is based. FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 702/703 (Unreliable expert testimony): The exhibit contains statements and opinions that are not admissible under FRE 702 or 703. For example, the exhibit fails to identify facts or data supporting the witness's conclusory testimony, and that testimony thus is not based on sufficient facts or data. Further, the testimony is not the product of reliable principles and methods, and the witness fails to reliably apply the

		principles and methods of the facts of the case. The exhibit contains opinions for which the factual bases have not been disclosed, including numerous broad and/or conclusory statements made without analysis or sufficient citation to evidence or explanation. See also Consolidated Trial Practice Guide, November 2019, at 36 ("Expert testimony, however, cannot take the place of a disclosure in a prior art reference, when that disclosure is required as part of the unpatentability analysis."). FRE 802: The exhibit and statements included therein are inadmissible hearsay, and the witness has not been made available for cross examination. The witness has not been made available for deposition and should be stricken if Petitioner attempts to rely on the exhibit without making the witness available for deposition.
1006	*CV* of Rafael Betancourt	Petitioner objects to Mr. Betancourt's *CV* for the same reasons set forth above for his Declaration (Exhibit 1003). FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted. Petitioner never relies on this exhibit. See also 37 CFR § 42.104 ("The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to

		identify specific portions of the evidence that support the challenge.”). FRE 403: The exhibit includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. FRE 802: The exhibit and statements included therein are inadmissible hearsay.

Respectfully Submitted,

/Neal Massand/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that the above-captioned Mandatory Notice was served on counsel of record for the Petitioner by filing this document through the Patent Review Processing System as well as by delivering a copy via electronic mail to:

MFerrario@kilpatricktownsend.com (Lead Counsel)
MMorlock@kilpatricktownsend.com (Back-Up Counsel)

Dated: May 2, 2024

/Neal Massand/
Neal Massand (Reg. No. 54,296)