

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HESAI TECHNOLOGY CO. LTD.,
Petitioner

v.

OUSTER, INC.
Patent Owner

Case No. IPR2023-01422
Patent No. 11,287,515 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
FILED WITH PETITIONER'S REPLY**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Ouster, Inc. (“Patent Owner”) hereby objects to Petitioner’s Hesai Technology Co. Ltd. (“Petitioner”) exhibits submitted with its Reply (Paper 23) as indicated below, as well as any reference thereto or reliance thereon, without limitation.

Exhibit Number and Description	Objections
Ex. 1050 – Lebbby Reply Declaration	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. <i>See also</i> 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.”). The exhibit fails to reliably apply the correct legal standard to the facts of the case. For example, the witness fails to explain the differences between the claims and the prior art. <i>Graham v. John Deere Co.</i>, 383 U.S. 1, 17-18 (1966) (requiring that the obviousness analysis consider “differences between the claimed subject matter and the prior art.”). FRE 802: The exhibit and statements included therein are inadmissible hearsay. 37 CFR § 42.6(a)(3): The declaration attempts to circumvent the rule against incorporation by reference by providing analysis beyond the scope of Petitioner’s Reply. Further, numerous portions of the declaration are improperly incorporated by reference into Petitioner’s Reply, e.g., Paper 23 at 4, 5, 7, 8, 9, 12, 13, 14, 16, 20, 22, 25, 26, 27, 28, 30 <i>passim</i> (improperly incorporating ranges of paragraphs from Ex. 1050).
Ex. 1052 - U.S. Patent No. 11,726,205 to Pacala et al.	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. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain

	its relevance in the Reply. <i>See also</i> 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.”).
Ex. 1053 - U.S. Publication No. 2019/0011567 to Pacala et al.	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. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Reply. <i>See also</i> 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.”).
Ex. 1054 - Quanergy M8 Sensor User Guide	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.

	35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Reply. <i>See also</i> 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 802: The exhibit and statements included therein are inadmissible hearsay. FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
Ex. 1056 – “<i>Alexis C. Madrigal, The Most Important Self-Driving Car Announcement Yet</i> (3-28-218)”	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. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Reply. <i>See also</i> 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 802: The exhibit and statements included therein are inadmissible hearsay.

	FRE 901: Petitioners have not produced evidence sufficient to support a finding that the exhibit is what Petitioners claim it is.
Ex. 1057 – “Ouster Thermal Integration Guide”	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. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Reply. <i>See also</i> 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.”).

Ex. 1058 - U.S. Patent No. 10,447,103 to Hunstable	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. 35 USC § 312; 37 CFR § 42.104: Petitioner does not cite this reference or otherwise explain its relevance in the Reply. <i>See also</i> 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.”).
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Dated: October 4, 2024

Respectfully submitted,

/Matthew Meyer/
Matthew Meyer
Reg. No. 75,249
Backup Counsel for Patent Owner

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CERTIFICATE OF SERVICE

I hereby certify, pursuant to 37 C.F.R. Section 42.6, that a complete copy of the attached PATENT OWNER'S OBJECTIONS TO EVIDENCE FILED WITH PETITIONER'S REPLY are being served via electronic mail the 4th day of October 2024, on Petitioner by serving the Petitioner's counsel of record in this proceeding as follows:

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DATED: October 4, 2024

/Matthew Meyer/

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