

IPR2024-00073

VIZIO, Inc. v. Polaris PowerLED Technologies, LLC

Filed June 12, 2024

On behalf of **VIZIO, Inc.**

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,

Petitioner

v.

POLARIS POWERLED TECHNOLOGIES, LLC

Patent Owner

IPR2024-00073

Patent No. 7,843,148

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b), Petitioner VIZIO, Inc. objects to the admissibility of evidence submitted by Patent Owner Polaris PowerLED Technologies, LLC. Petitioner reserves its rights to: (1) timely file a motion to exclude these objectionable exhibits or portions thereof; (2) challenge the credibility and/or weight that should be afforded to these exhibits, whether or not Petitioner files a motion to exclude the exhibits; (3) challenge the sufficiency of the evidence to meet Patent Owner’s burden of proof on any issue; and (4) cross-examine any Patent Owner declarant within the scope of his or her direct testimony that is or relates to these exhibits, without regard to whether Petitioner has objected to the testimony or related exhibits or whether the testimony or related exhibits are ultimately found to be inadmissible.

Evidence	Objections
EX2002 – Credelle Declaration	Petitioner objects to paragraphs 24-57 of Mr. Credelle’s testimony regarding the knowledge of a skilled artisan, the scope and content of the art and his interpretation thereof, and the ultimate issue of invalidity on the bases that such testimony (1) will not “help the trier of fact to understand the evidence or to determine a fact

Evidence	Objections
	in issue,” (2) is not “based on sufficient facts or data,” (3) is not “the product of reliable principles and methods,” and/or (4) is not based on a reliable application of “the principles and methods to the facts of the case.” (FRE 702). Petitioner objects to paragraphs 1-21 and 58-68 as irrelevant (FRE 401, 402, 403). Patent Owner’s Response does not cite to or rely upon any of these paragraphs for any purpose. Petitioner objects to paragraph 44 to the extent Mr. Credelle relies on EX2006 for the same reasons as provided below regarding EX2006 and/or because EX2006 is not qualified to be the basis for an expert opinion under FRE 702 and 703.

Evidence	Objections
EX2004 – Zane Deposition Transcript	Petitioner objects to EX2004 as an unsigned and uncorrected transcript of the May 14, 2024 deposition of Dr. Regan Zane. <i>See</i> Fed. R. Civ. P. 30(e); Fed. R. Civ. P. 32(b). On June 3, 2024, <i>before</i> Patent Owner filed EX2004, Petitioner served Patent Owner with Dr. Zane’s signed errata and acknowledgement pages for his May 14, 2024 deposition transcript. In the signed errata, Dr. Zane made several corrections to his deposition transcript. Patent Owner did not include Dr. Zane’s corrections to his transcript or his signed acknowledgement page in EX2004. Petitioner thus objects to this exhibit under FRE 106.
EX2006 – “Comprehensive Dictionary of Electrical Engineering,” Taylor & Francis	Petitioner objects to EX2006 under FRE 401, 402, and 403 as irrelevant and/or because its probative value is substantially outweighed by the danger of unfair prejudice, confusing the

Evidence	Objections
Group, LLC, 2 nd Edition (2005) (Excerpts)	issues, undue delay, wasting time, or needlessly presenting cumulative evidence. Petitioner further objects to EX2006 as impermissible hearsay under FRE 801 and 802 to the extent EX2006 is offered for the truth of the matters asserted. Patent Owner has not identified any applicable exception or exclusion to the rule against hearsay. Petitioner further objects to EX2006 as not authenticated under FRE 901. Petitioner further objects to EX2006 as incomplete under FRE 106.
EX2007 – Final Rulings on Markman/Claim Construction, <i>Polaris PowerLED Techs., LLC v. VIZIO, Inc.</i> No. 2:23-cv-03478 (C.D. Cal. May 8, 2024)	Petitioner objects to EX2007 as a duplicate of EX1030. Petitioner further objects to EX2007 as irrelevant (FRE 402). EX2007 is not cited in the Patent Owner Response or in the Credelle Declaration (EX2002) for any purpose.

Dated: June 12, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the date below a copy of this **PETITIONER’S OBJECTIONS TO EVIDENCE** was served by email on the Patent Owner at the following email addresses:

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Dated: June 12, 2024

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