

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INERGY TECHNOLOGY, INC.,
Petitioner

v.

FORCE MOS TECHNOLOGY CO. LTD.,
Patent Owner

Inter Partes Review No. IPR2024-00094
U.S. Patent No. 7,812,409

**PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED
PRIOR TO INSTITUTION**

Patent Owner objects to the following evidence that Petitioner submitted prior to institution of the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely filed within ten (10) business days of institution of the trial on May 21, 2024.

A. Exhibits 1008, 1014, 1015, 1016, and 1017

Patent Owner objects to Exhibit 1008 pursuant to Fed. R. Evid. 602 as lacking personal knowledge, as hearsay under Fed. R. Evid. 801, and pursuant to Fed. R. Evid. 702 as not based on sufficient facts or data, not the product of reliable principals and methods, and not reflecting a reliable application of the principles and methods to the facts of the case. For example, the declarant of Exhibit 1008 does not purport to have personal knowledge regarding the contents or alleged publication of Exhibit 1007, or how any journal purportedly containing Exhibit 1007 may have been filed or maintained at any library, or any of the library records relating to Exhibit 1007 or any such journal. Instead, the declarant of Exhibit 1008 appears to offer only speculations regarding the results of recent internet searches purportedly related to Exhibit 1007. Patent Owner objects to Exhibits 1014, 1015, 1016, and 1017 as hearsay under Fed. R. Evid. 801, lacking relevance as foundation under Fed. R. Evid. 401, and as not the best evidence pursuant to Fed. R. Evid. 1002. Patent Owner also objects to Exhibits 1014, 1015, 1016, and 1017 under Fed. R. Evid. 901 because they lack proper authentication. In particular, as discussed above, Exhibit

1008 is objectionable as hearsay and lacking personal knowledge, and therefore cannot authenticate or provide a hearsay exception to Exhibits 1014, 1015, 1016, and 1017. Patent Owner objects to Exhibits 1008, 1014, 1015, 1016, and 1017 under Fed. R. Evid. 403 because their probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the Board, undue delay, wasting time, and needlessly presenting cumulative evidence.

B. Exhibits 1007 and 1012

Patent Owner objects to Exhibits 1007 and 1012 as hearsay under Fed. R. Evid. 801 and lacking foundation under Fed. R. Evid. 104 and 401, including, but not limited to, the purported date of publication of each and the alleged disclosures of each. Patent Owner also objects to Exhibits 1007 and 1012 under Fed. R. Evid. 901 as lacking authenticity. In particular, as discussed above, Exhibit 1008 is objectionable as hearsay and lacking personal knowledge, and therefore cannot authenticate or provide a hearsay exemption or exception to Exhibit 1007. Nor has Patent Owner attempted to authenticate Exhibit 1012 or establish any hearsay exception or exemption or Exhibit 1012's contents or purported date of publication. Patent Owner objects to Exhibits 1007 and 1012 under Fed. R. Evid. 403 because their probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the Board, undue delay, wasting time, and needlessly presenting cumulative evidence.

C. Exhibit 1003

As discussed above, Exhibits 1007 and 1012 are objectionable, including for lack of authenticity and hearsay. Accordingly, the portions of Exhibit 1003 referencing those exhibits are objected to for the same reasons discussed above and as lacking relevance and foundation pursuant to Fed. R. Evid. 104 and 401. *See, e.g.,* Ex. 1003 ¶¶ 50-51, 83-109, 133, 144-155.

Date: June 4, 2024

Respectfully submitted,
/Michael D. Saunders/
Michael D. Saunders, Reg. No. 77,739
DICKINSON WRIGHT PLLC
607 W. 3rd Street, Suite 2500
Austin, Texas 78701
Telephone: (512) 770-4200
Facsimile: (844) 670-6009
Email: msaunders@dickinsonwright.com
Attorney for Patent Owner

Certificate of Service 37 C.F.R. §§ 42.6(e)

The undersigned certifies that on June 4, 2024, I will cause a true and correct copy of the foregoing Patent Owner's Objections to Evidence Submitted Prior to Institution to be served electronically upon the following attorneys who have consented to service via email. Pet. at 2-3.

Mackenzie Martin Registration No. 77,950 BAKER & McKENZIE LLP 1900 North Pearl Street, Suite 1500 Dallas, Texas 75201 Tel: (214) 978-3048 mackenzie.martin@bakermckenzie.com	
John G. Flaim Registration No. 37,323 BAKER & McKENZIE LLP 1900 North Pearl Street, Suite 1500 Dallas, Texas 75201 Tel: (214) 978-3097 john.flaim@bakermckenzie.com	Dorian Ojemen Registration No. 72,956 BAKER & McKENZIE LLP 800 Capitol, Suite 2100 Houston, Texas 77002 Tel: (713) 427-5032 dorian.ojemen@bakermckenzie.com
Ellen Cheong Registration No. 71,852 BAKER & McKENZIE LLP 452 Fifth Avenue New York, NY 10018 Tel: (212) 626-4100 ellen.cheong@bakermckenzie.com	DJ Lee <i>Pro Hac Vice</i> BAKER & McKENZIE LLP 1900 North Pearl Street, Suite 1500 Dallas, Texas 75201 Tel: (214) 978-3017 dongjae.lee@bakermckenzie.com

Respectfully submitted,

/Michael D. Saunders/

Michael D. Saunders, Reg. No. 77,739

DICKINSON WRIGHT PLLC

607 W. 3rd Street, Suite 2500

Austin, Texas 78701

Telephone: (512) 770-4200

Facsimile: (844) 670-6009

Email: msaunders@dickinsonwright.com

Attorney for Patent Owner