

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NXP USA, INC.,
Petitioner,

v.

BELL SEMICONDUCTOR, LLC,
Patent Owner

Case: IPR2024-00168

U.S. Patent No. 7,345,245

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S PRE-
INSTITUTION EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Under the Federal Rules of Evidence and 37 C.F.R. § 42.64, Patent Owner Bell Semiconductor, LLC (“Patent Owner”) timely objects to evidence submitted by NXP USA, Inc. (“Petitioner”) prior to institution of Inter Partes Review IPR2024-00168. Patent Owner serves Petitioner with these objections to provide notice that Patent Owner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c) unless Petitioner cures the defects associated with the challenged exhibits identified below.

Ex. 1002 – Declaration of R. Jacob Baker, PhD, PE

Patent Owner objects to this exhibit under Fed. R. Evid. 702 and/or 802 as Dr. Baker has not yet been made available for cross-examination during a deposition.

Patent Owner objects to this exhibit because it provides expert testimony that does not disclose the underlying facts or data on which the opinion is based in violation of at least 37 C.F.R. § 42.65, *see, e.g.*, Ex. 1002 at ¶¶ 22–25, 78, 96, 113–115, 117, 121, 122, 125, 142, 144, 146, 150, 155, 159–163, and 170, and are therefore irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403.

Patent Owner objects to this exhibit because it contains arguments that are incorporated by reference in the Petition in violation of at least 37 C.F.R. §

42.6(a)(3), see, e.g., Petition at 36, and are therefore irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403.

Patent Owner objects to this exhibit because the paragraphs in the exhibit that are not cited in the Petition are irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Any attempt to rely on any of these paragraphs would violate at least 37 C.F.R. § 42.6(a)(3).

Patent Owner objects to this exhibit as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403 because Ex. 1002 is inadmissible as explained above.

Ex. 1003 – Curriculum Vitae of Dr. Baker

Patent Owner objects to this exhibit under Fed. R. Evid. 702 and/or 802 as Dr. Baker has not yet been made available for cross-examination during a deposition.

Ex. 1008 – Mobile Intel® Celeron® Processor (0.13 μ) in Micro-FCBGA and Micro-FCPGA Packages Datasheet (April 2003)

Patent Owner objects to this exhibit under Fed. R. Evid. 901(a) as Petitioner has not “produced sufficient evidence to support a finding that the item is what the

proponent claims it is.” For example, Petitioner alleges a publication date but has not provided sufficient evidence pursuant to Fed. R. Evid. 901(b) or otherwise satisfying the requirement of Fed. R. Evid. 901(a).

Patent Owner objects to Ex. 1008 as hearsay under Fed. R. Evid. 801(c) and thus inadmissible under Fed. R. Evid. 802. For example, Petitioner relies on Ex. 1008 for the truth of the matter asserted therein. See, e.g., Petition at 12. Yet Petitioner has not offered sufficient evidence that Ex. 1008 falls within any exception of the rule against hearsay under Fed. R. Evid. 802.

Patent Owner objects to Ex. 1008 as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403 because Ex. 1008 is inadmissible as explained above.

Ex. 1010 – Thomas D. Moore and John L. Jarvis, The effects of in-plane orthotropic properties in a multi-chip ball grid array assembly, Microelectronics Reliability, Volume 42, Issue 6, June 2002

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1010 for any fact that is of consequence in determining this action.

Patent Owner objects to this exhibit under Fed. R. Evid. 901(a) as Petitioner has not “produced sufficient evidence to support a finding that the item is what the proponent claims it is.” For example, Petitioner alleges a publication date but has not provided sufficient evidence pursuant to Fed. R. Evid. 901(b) or otherwise satisfying the requirement of Fed. R. Evid. 901(a).

Ex. 1011 D.J. Xie and Z.P. Wang, Process capability study and thermal fatigue life prediction of ceramic BGA solder joints, Finite Elements in Analysis and Design, Volume 30, Issues 1-2, July 15, 1998

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1011 for any fact that is of consequence in determining this action.

Patent Owner objects to this exhibit under Fed. R. Evid. 901(a) as Petitioner has not “produced sufficient evidence to support a finding that the item is what the proponent claims it is.” For example, Petitioner alleges a publication date but has not provided sufficient evidence pursuant to Fed. R. Evid. 901(b) or otherwise satisfying the requirement of Fed. R. Evid. 901(a).

Ex. 1013 – Scheduling Order, Bell Semiconductor, LLC vs. NXP USA, INC., et al. 8:22-cv-02133-HDV-ADS (C.D. California)

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or

a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1013 for any fact that is of consequence in determining this action.

Ex. 1014 – Reassignment Order Scheduling Order, Bell Semiconductor, LLC vs. NXP USA, INC., et al. 8:22-cv-02133-HDV-ADS (C.D. California)

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1014 for any fact that is of consequence in determining this action.

Ex. 1015 – Plaintiff Bell Semiconductor, LLC Analysis of Infringement of U.S. Patent No. 7,345,245, Bell Semiconductor, LLC vs. NXP USA, INC., et al. 8:22-cv-02133-HDV-ADS (C.D. California) (May 17, 2023)

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1015 for any fact that is of consequence in determining this action.

Ex. 1016 – Critical Review and Technology Assessments '91-'92, Reliability Analysis Center, AD-A278 419; April 21, 1994

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1016 for any fact that is of consequence in determining this action.

Patent Owner objects to this exhibit under Fed. R. Evid. 901(a) as Petitioner has not “produced sufficient evidence to support a finding that the item is what the proponent claims it is.” For example, Petitioner alleges a publication date but has not provided sufficient evidence pursuant to Fed. R. Evid. 901(b) or otherwise satisfying the requirement of Fed. R. Evid. 901(a).

Ex. 1017 – 2000 Packaging Handbook, Chapter 4: Performance Characteristics of IC Packages

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1017 for any fact that is of consequence in determining this action.

Patent Owner objects to this exhibit under Fed. R. Evid. 901(a) as Petitioner has not “produced sufficient evidence to support a finding that the item is what the proponent claims it is.” For example, Petitioner alleges a publication date but has not provided sufficient evidence pursuant to Fed. R. Evid. 901(b) or otherwise satisfying the requirement of Fed. R. Evid. 901(a).

Ex. 1018 – A Review of Ball Grid Arrays For Electronic Assembly, S B Dunkerton and J M Goward, Presented at ICAWT '98, The 1998 International Conference on Advances in Welding Technology – ‘Joining applications in electronics and medical devices’, Columbus, Ohio, USA, 30 September – 2 October 1998

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1018 for any fact that is of consequence in determining this action.

Patent Owner objects to this exhibit under Fed. R. Evid. 901(a) as Petitioner has not “produced sufficient evidence to support a finding that the item is what the proponent claims it is.” For example, Petitioner alleges a publication date but has not provided sufficient evidence pursuant to Fed. R. Evid. 901(b) or otherwise satisfying the requirement of Fed. R. Evid. 901(a).

Ex. 1019 – Order Granting Defendants’ Motion to Stay Pending *Inter Partes* Review, *Bell Semiconductor, LLC v. NXP USA, Inc., et al.*, (Case No. 8:22-cv-02133-HDV-ADS) (C.D. Cal. Feb. 12, 2024)

Patent Owner objects to this document as being irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402, or as being confusing or a waste of time under Fed. R. Evid. 403. Petitioner has not relied on Ex. 1019 for any fact that is of consequence in determining this action.

Patent Owner's Objections
To Pre-Institution Evidence
IPR2024-00168

Dated: May 22, 2024

/Jason M. Shapiro/

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of May, 2024, the foregoing document was served by electronic mail to the following attorneys of record:

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