

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HANSHOW AMERICA INC. and HANSHOW TECHNOLOGY CO., LTD.
Petitioners,

v.

SES-IMAGOTAG GMBH,
Patent Owner.

IPR2024-00189
U.S. Patent No. 10,674,340

**PATENT OWNER'S OBJECTIONS TO PETITIONERS'
EVIDENCE UNDER 37 C.F.R. § 42.64(b)(1)**

I. INTRODUCTION

Pursuant to 37 C.F.R. §42.64(b)(1), Patent Owner SES-Imagotag GmbH objects to Exhibits 1011 and 1013-1032 submitted by Petitioners Hanshow America, Inc. and Hanshow Technology Co., Ltd. with their Reply (Paper 26) filed December 2, 2024. Patent Owner further objects to Updated Exhibit 1021 filed by Petitioners on December 3, 2024. The objections are based on 37 C.F.R. Part 42 and the relevant portions of the Federal Rules of Evidence (“F.R.E.”) that apply to *inter partes* review proceedings under 37 C.F.R. §42.62. The objections have been timely filed and served within five business days of the service of evidence to which the objections are directed.

II. OBJECTIONS TO EVIDENCE

A. Exhibit 1011

Patent Owner hereby objects to Exhibit 1011 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1011 under F.R.E. 401 and 402 as irrelevant and under F.R.E. 403 because its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

B. Exhibit 1013

Patent Owner hereby objects to Exhibit 1013 as presenting new evidence that is outside the scope permitted under 37 C.F.R. § 42.23(b).

Patent Owner further objects to Exhibit 1013 as not being filed with the first document in which it is cited as required under 37 C.F.R. § 42.6(c) and 37 C.F.R. § 42.63(a).

Patent Owner further objects to Exhibit 1013 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1013 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

C. Exhibit 1014

Patent Owner objects to Exhibit 1014 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1014 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1014 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply

(Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1014 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

D. Exhibit 1015

Patent Owner hereby objects to Exhibit 1015 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1015 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1015 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1015 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus,

its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

E. Exhibit 1016

Patent Owner hereby objects to Exhibit 1016 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1016 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1016 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1016 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

F. Exhibit 1017

Patent Owner hereby objects to Exhibit 1017 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1017 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1017 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1017 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

G. Exhibit 1018

Patent Owner hereby objects to Exhibit 1018 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1018 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1018 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply

(Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1018 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

H. Exhibit 1019

Patent Owner hereby objects to Exhibit 1019 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1019 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1019 under F.R.E. 602, 603, and 604 because the declaration does not appear to be signed by someone with personal knowledge and is thus irrelevant and not admissible (F.R.E. 401, 402) or its probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. *See also* 37 C.F.R. §42.63(b); 37 C.F.R. §42.2; 37 C.F.R. §1.68; 28 U.S.C. §1746.

Patent Owner further objects to Exhibit 1019 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1019 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

I. Exhibit 1020

Patent Owner hereby objects to Exhibit 1020 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1020 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1020 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1020 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

J. Exhibit 1021 (filed December 2, 2024)

Patent Owner hereby objects to Exhibit 1021 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1021 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Exhibit 1021 under F.R.E. 602, 603, and 604 because the declaration does not appear to be signed by someone with personal knowledge and is thus irrelevant and not admissible (F.R.E. 401, 402) or its probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. *See also* 37 C.F.R. §42.63(b); 37 C.F.R. §42.2; 37 C.F.R. §1.68; 28 U.S.C. §1746.

Patent Owner further objects to Exhibit 1021 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in

determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1021 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

K. Updated Exhibit 1021 (filed December 3, 2024)

Patent Owner hereby objects to Updated Exhibit 1021 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Updated Exhibit 1021 as not being filed with the first document in which it is cited as required under 37 C.F.R. §42.6(c) and 37 C.F.R. §42.63(a).

Patent Owner further objects to Updated Exhibit 1021 as being filed after the deadline for Petitioners' Reply without Board authorization.

Patent Owner further objects to Updated Exhibit 1021 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Updated Exhibit 1021 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

L. Exhibit 1022

Patent Owner hereby objects to Exhibit 1022 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1022 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1022 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

M. Exhibit 1023

Patent Owner hereby objects to Exhibit 1023 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1023 under F.R.E. 901, 1002, and 37 C.F.R. §42.61 because Petitioners fail to provide the authentication required for this exhibit, and the exhibit is not self-authenticating under F.R.E. 902.

Patent Owner further objects to Exhibit 1023 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1023 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

N. Exhibit 1024

Patent Owner hereby objects to Exhibit 1024 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1024 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1024 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

O. Exhibit 1025

Patent Owner hereby objects to Exhibit 1025 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1025 under F.R.E. 602, 603, and 604 because the declaration does not appear to be signed by someone with personal knowledge and is thus irrelevant and not admissible (F.R.E. 401, 402) or its probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. *See also* 37 C.F.R. §42.63(b); 37 C.F.R. §42.2; 37 C.F.R. §1.68; 28 U.S.C. §1746.

Patent Owner further objects to Exhibit 1025 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1025 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus,

its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

P. Exhibit 1026

Patent Owner hereby objects to Exhibit 1026 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1026 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1026 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

Q. Exhibit 1027

Patent Owner hereby objects to Exhibit 1027 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1027 under F.R.E. 602, 603, and 604 because the declaration does not appear to be signed by someone with personal knowledge and is thus irrelevant and not admissible (F.R.E. 401, 402) or its

probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. *See also* 37 C.F.R. §42.63(b); 37 C.F.R. §42.2; 37 C.F.R. §1.68; 28 U.S.C. §1746.

Patent Owner further objects to Exhibit 1027 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1027 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

R. Exhibit 1028

Patent Owner hereby objects to Exhibit 1028 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1028 under F.R.E. 901, 1002, and 37 C.F.R. §42.61 because Petitioners fail to provide the authentication required for this exhibit, and the exhibit is not self-authenticating under F.R.E. 902.

Patent Owner further objects to Exhibit 1028 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply

(Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1028 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

S. Exhibit 1029

Patent Owner hereby objects to Exhibit 1029 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1029 under F.R.E. 901, 1002, and 37 C.F.R. §42.61 because Petitioners fail to provide the authentication required for this exhibit, and the exhibit is not self-authenticating under F.R.E. 902.

Patent Owner further objects to Exhibit 1029 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1029 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus,

its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

T. Exhibit 1030

Patent Owner hereby objects to Exhibit 1030 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1030 under F.R.E. 901, 1002, and 37 C.F.R. §42.61 because Petitioners fail to provide the authentication required for this exhibit, and the exhibit is not self-authenticating under F.R.E. 902.

Patent Owner further objects to Exhibit 1030 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1030 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

U. Exhibit 1031

Patent Owner hereby objects to Exhibit 1031 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects to Exhibit 1031 under F.R.E. 901, 1002, and 37 C.F.R. §42.61 because Petitioners fail to provide the authentication required for this exhibit, and the exhibit is not self-authenticating under F.R.E. 902.

Patent Owner further objects to Exhibit 1031 as irrelevant under F.R.E. 401-402 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26) and, therefore, does not appear to make any fact of consequence in determining this action more or less probable than it would be without it. Thus, it is irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects to Exhibit 1031 under F.R.E. 403 because the exhibit is not cited in the Petition (Paper 2) or Petitioners' Reply (Paper 26). Thus, its probative value is substantially outweighed by other considerations, including unfair prejudice, confusion of the issues, and waste of time.

V. Exhibit 1032

Patent Owner hereby objects to Exhibit 1032 as presenting new evidence that is outside the scope permitted under 37 C.F.R. §42.23(b).

Patent Owner further objects under F.R.E. 702 to Exhibit 1032 as unreliable, conclusory, and unsubstantiated expert testimony due to lack of sufficient facts and data, lack of reliable principles and methods, failure to reliably apply the principles and methods to the facts, and lack of expert qualifications.

Respectfully submitted,

Dated: December 9, 2024

By: / Jessica Kaiser /
Jessica C. Kaiser
Reg. No. 58,937
Lead Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on December 9, 2024, a copy of
PATENT OWNER'S OBJECTIONS TO PETITIONERS' EVIDENCE
UNDER 37 C.F.R. § 42.64(b)(1) was served upon the below-listed counsel by
electronic mail:

Hao Tan
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Dated: December 9, 2024

By: / Jessica Kaiser /
Jessica C. Kaiser
Reg. No. 58,937
Lead Counsel for Patent Owner