

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SES-IMAGOTAG GMBH,
Patent Owner.

IPR2024-00208
U.S. Patent No. 11,010,709

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
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 1002, 1007, and 1009 submitted by Petitioner Hanshow America, Inc. and Hanshow Technology Co., Ltd. with its Petition (Paper 2) filed November 21, 2023. The objection is based on 37 C.F.R. Part 42, and the relevant portions of Federal Rules of Evidence (“F.R.E.”) that apply to *inter partes* review proceedings under 37 C.F.R. § 42.62. The objection has been timely filed and served within ten business days of issuance of the Institution Decision.

II. OBJECTIONS TO EVIDENCE

A. Exhibit 1002

Patent Owner hereby objects to Exhibit 1002 under F.R.E. 106 because Petitioner produced an incomplete excerpt of the document and has not made a complete version available to Patent Owner.

B. Exhibit 1007

Patent Owner hereby objects to Exhibit 1007 under F.R.E. 602, 603, and 604 because the declaration does not appear to be signed by someone with personal knowledge and does not include the statutorily required statement under penalty of perjury 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. §42.2; 37 C.F.R. §1.68; 28 U.S.C. §1746.

C. Exhibit 1009

Patent Owner objects to Exhibit 1009 to the extent that it provides opinions that are irrelevant under F.R.E. 401-402, or that 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. For example, paragraphs 1-30, 32-39, 41-47, 49-55, 59-61, 63, 65-66, 70-72, 75-76, 78-79, 82-83, 87, 89, 93, 96, 100-01, 104, 106, 110-12, 115-17, 119, 123, 125, 128-29, 132, 135, 137, 141-42, 145-46, 151-52, 186, 188, 190, 192, 195, 200, 205, 208, 218, 222, 232-33, 235, 239, 242, 246, 250, 255, 261, 264, 267, 277, 280, 289-90 of Exhibit 1009 are not cited in the Petition (Paper 2) and, therefore, do not appear to make any fact of consequence in determining this action more or less probable than it would be without them and are thus irrelevant and not admissible (F.R.E. 401, 402).

Petitioner further objects under F.R.E. 702 to Exhibit 1009 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: June 4, 2024

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

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on June 4, 2024, a copy of
PATENT OWNER'S OBJECTIONS TO PETITIONER'S 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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Shen Wang
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Dated: June 4, 2024

By: / Jessica Kaiser /
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