

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.

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

**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 replacement Exhibit 1014 and new Exhibit 1017 submitted by Petitioners Hanshow America, Inc. and Hanshow Technology Co., Ltd. with a new Exhibit List (Paper 33) filed December 20, 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. Replacement Exhibit 1014

Patent Owner hereby objects to replacement 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 replacement Exhibit 1014 as being filed without the authorization required under 37 C.F.R. §42.123(b).

Patent Owner further objects to replacement Exhibit 1014 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.

Patent Owner further objects to replacement Exhibit 1014 as incomplete, as original Exhibit 1014 (filed December 2, 2024, and subsequently filed as Exhibit 1017 on December 20, 2024) contains three sets of claims, two of which are in a language other than English (i.e., French and German). However, only one set of claims is provided in replacement Exhibit 1014.

Patent Owner further objects to replacement Exhibit 1014 as improperly changing the basis of an existing citation. Petitioners' Reply appears to cite the English-language claims in original Exhibit 1014. *See* Paper 31, 4 n.2. Replacement Exhibit 1014 appears to include an English-language translation of the originally French-language claims in original Exhibit 1014. The English-language translation of the originally French-language claims that appears in replacement Exhibit 1014 is different from the English-language claims in original Exhibit 1014, and replacement Exhibit 1014 does not contain the quote in Petitioners' Reply.

B. New Exhibit 1017

Patent Owner hereby objects to new 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 new Exhibit 1017 as being filed without the authorization required under 37 C.F.R. §42.123(b).

Patent Owner further objects to new Exhibit 1017 as incomplete for being partially presented in a language other than English without an accompanying

translation. *See* 37 C.F.R. §42.63(b) (“***Translation required.*** When a party relies on a document or is required to produce a document in a language other than English, a translation of the document into English and an affidavit attesting to the accuracy of the translation must be filed with the document.”); PTAB Consolidated Trial Practice Guide, 24 (Nov. 2019) (“Translations therefore must be provided for: (1) those documents produced in discovery under 37 C.F.R. § 42.51; and (2) all documents relied on, or otherwise used, during the proceedings. Unless accompanied by an English language translation, such documents in a language other than English will not be considered by the Board.”).

Patent Owner further objects to new Exhibit 1017 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.

C. Paper 33

Patent Owner hereby objects to Paper 33 as purporting to update the exhibits in this proceeding to include replacement Exhibit 1014 and new Exhibit 1017, both of which were filed without the authorization required under 37 C.F.R. §42.123(b).

Respectfully submitted,

Dated: December 26, 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 26, 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:

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Dated: December 26, 2024

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