

Case IPR2024-00535
U.S. Patent No. 9,724,802

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Samsung Electronics Co., Ltd.,
Samsung Electronics America, Inc.,
Samsung Semiconductor, Inc., and
Samsung Austin Semiconductor, LLC.,
Petitioner

v.

Chien-Min Sung,
Patent Owner

Case IPR2024-00535

U.S. Patent No. 9,724,802

**PETITIONER SAMSUNG'S
OBJECTIONS TO PATENT OWNER'S SUR-REPLY 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

Pursuant to the Federal Rules of Evidence and 37 C.F.R. § 42.64, Petitioners Samsung Electronics Co., Ltd., Samsung Electronics America, Inc., Samsung Semiconductor, Inc., and Samsung Austin Semiconductor, LLC., (“Petitioner” or “Samsung”) object to evidence submitted by Patent Owner Chien-Min Sung (“Patent Owner”) with their Sur-Reply (Paper 25). Petitioner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c).

Exhibit 2015 – Exhibit 2015 from the Deposition of Ming-Yi Tsai held on Feb. 20, 2025

Petitioner objects to EX2015 as being inadmissible because it was filed belatedly without proper authorization under 37 C.F.R. § 42.123(b). Petitioner further objects to EX2015 as being inadmissible because a sur-reply may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness under 37 C.F.R. § 42.23(b). To be clear, Petitioner has not submitted any declaration of any witness in Petitioner’s Reply. Petitioner also objects to EX2015 as irrelevant under Fed. R. Evid. 401 and 402 because Patent Owner does not rely on it in its sur-reply and therefore inadmissible.

Petitioner previously objected to this exhibit under 37 C.F.R. § 42.64(a). *See* EX1055, 187.

Exhibit 2016 – Exhibit 2016 from the Deposition of Ming-Yi Tsai held on Feb. 20, 2025

Petitioner objects to EX2016 as being inadmissible because it was filed belatedly without proper authorization under 37 C.F.R. § 42.123(b). Petitioner further objects to EX2016 as being inadmissible because a sur-reply may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness under 37 C.F.R. § 42.23(b). To be clear, Petitioner has not submitted any declaration of any witness in Petitioner's Reply. Petitioner objects to EX2016 as irrelevant under Fed. R. Evid. 401 and 402 because Patent Owner does not rely on it in its sur-reply and therefore inadmissible.

Petitioner previously objected to this exhibit under 37 C.F.R. § 42.64(a). *See* EX1055, 187.

Exhibit 2017 – Exhibit 2017 from the Deposition of Ming-Yi Tsai held on Feb. 20, 2025

Petitioner objects to EX2017 as being inadmissible because it was filed belatedly without proper authorization under 37 C.F.R. § 42.123(b). Petitioner further objects to EX2017 as being inadmissible because a sur-reply may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness under 37 C.F.R. § 42.23(b). To be clear, Petitioner has not submitted any declaration of any witness in Petitioner's Reply.

Petitioner previously objected to this exhibit under 37 C.F.R. § 42.64(a). *See* EX1055, 187.

Exhibit 2018 – Exhibit 2018 from the Deposition of Ming-Yi Tsai held on Feb. 20, 2025

Petitioner objects to EX2018 as being inadmissible because it was filed belatedly without proper authorization under 37 C.F.R. § 42.123(b). Petitioner further objects to EX2018 as being inadmissible because a sur-reply may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness under 37 C.F.R. § 42.23(b). To be clear, Petitioner has not submitted any declaration of any witness in Petitioner's Reply.

Petitioner previously objected to this exhibit under 37 C.F.R. § 42.64(a). *See* EX1055, 187.

Dated: April 23, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on April 23, 2025, a complete copy of the foregoing was served on counsel of record for Patent Owner by filing this document through P-TACTS and by sending this document via electronic mail to the following addresses:

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