

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IQE PLC,
Petitioner

v.

CORNELL RESEARCH FOUNDATION INC.,
Patent Owner

Case IPR2024-00609
U.S. Patent No. 7,250,360

PETITIONER’S OBJECTIONS TO EVIDENCE

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

Petitioner objects under the Federal Rules of Evidence (FRE) and 37 C.F.R.

§ 42.64(b)(1) to the admissibility of Exhibits 2010-2015 (the “Challenged Evidence”), filed by Patent Owner on June 17, 2024, with Patent Owner’s Preliminary Response. Petitioner’s Objections are timely filed under 37 C.F.R. § 42.64(b)(1), within ten business of the September 13, 2024 Decision Granting Institution for *Inter Partes* Review. Petitioner files these Objections to provide notice to Patent Owner that Patent Owner may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

I. IDENTIFICATION OF GROUNDS FOR OBJECTIONS

A. Exhibit 2010 – Declaration of Joseph A. Smart, Ph.D.

FRE 401, 402, and 403: Petitioner objects to Exhibit 2010 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. This includes Patent Owner’s reliance on this Exhibit on pages 14, 16, and 17 of Patent Owner’s Preliminary Response.

B. Exhibit 2011 – Joseph Smart Dissertation

FRE 401, 402, and 403: Petitioner objects to Exhibit 2011 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting

cumulative evidence. This includes Patent Owner's reliance on this Exhibit on pages 13-15, 18, and 45 of Patent Owner's Preliminary Response.

FRE 801, 802, and 901: Petitioner objects to Exhibit 2011 as hearsay under FRE 801-802, and as lacking authentication under FRE 901.

C. Exhibit 2012 – Cornell University Invention Disclosure

FRE 401, 402, and 403: Petitioner objects to Exhibit 2012 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. This includes Patent Owner's reliance on this Exhibit on pages 15, 16, 18, and 45 of Patent Owner's Preliminary Response.

FRE 801, 802, and 901: Petitioner objects to Exhibit 2012 as hearsay under FRE 801-802, and as lacking authentication under FRE 901.

D. Exhibit 2013 – Joseph Smart Notebook

FRE 401, 402, and 403: Petitioner objects to Exhibit 2013 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. This includes Patent Owner's reliance on this Exhibit on pages 17 and 45 of Patent Owner's Preliminary Response.

FRE 106, 801, 802, and 901: Petitioner objects to Exhibit 2013 as incomplete under FRE 106, as hearsay under FRE 801-802, and as lacking authentication under FRE 901.

E. Exhibit 2014 – Screenshot of <https://catalog.hathitrust.org/Record/009236785>

FRE 401, 402, and 403: Petitioner objects to Exhibit 2014 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. This includes Patent Owner's reliance on this Exhibit on page 14 of Patent Owner's Preliminary Response.

F. Exhibit 2015 – Screenshot of <https://catalog.library.cornell.edu/catalog/6035819>

FRE 401, 402, and 403: Petitioner objects to Exhibit 2015 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence. This includes Patent Owner's reliance on this Exhibit on page 14 of Patent Owner's Preliminary Response.

II. CONCLUSION

To the extent Patent Owner fails to correct the defects associated with the Challenged Evidence in view of Petitioner's objections herein, Patent Owner may file a motion to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

Respectfully submitted,

STERNE, KESSLER, GOLDSTEIN & FOX PLLC

/Ryan C. Richardson, Reg. No. 67,254/

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Attorney for Petitioner IQE PLC

Date: September 27, 2024

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that on September 27, 2024, a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO EVIDENCE** was served in its entirety electronically via e-mail on the following parties:

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Respectfully submitted,

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