

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

MIANYANG BOE OPTOELECTRONICS TECHNOLOGY CO., LTD.; WUHAN
CHINA STAR OPTOELECTRONICS SEMICONDUCTOR DISPLAY
TECHNOLOGY CO., LTD.; TIANMA MICROELECTRONICS CO. LTD.; AND
VISIONOX TECHNOLOGY, INC.,

Petitioner,

v.

SAMSUNG DISPLAY CO., LTD.,

Patent Owner.

Case No. IPR2024-00620
U.S. Patent No. 9,330,593

**PETITIONER'S OBJECTIONS TO
PATENT OWNER'S RESPONSE EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners hereby object to the exhibits cited and relied upon in Patent Owner's December 12, 2024 response on the following grounds. For each objected to exhibit, the pertinent Federal Rule of Evidence ("FRE") or other rule that gives rise to the objection is provided, along with a brief summary of the basis of the objection.

1. Ex. 2059 - Declaration of Andrew Wolfe Ph.D.: FRE 602. Paragraphs 140 and 142-143 improperly include statements relating to the purported origin of certain products of which the declarant has no personal knowledge. **FRE 702.** The declaration improperly relies on various un-authenticated and hearsay containing exhibits (*see below exhibit specific discussion*).

2. Exs. 2027-2041 - Teardown photos of various products: FRE 901. Patent Owner has failed to properly authenticate the information in these exhibits. Among other things, it is unclear from the record when and where the purportedly depicted products were obtained, when they were available, who is responsible for the manufacture of their components, or how the pictures were generated.

3. Ex. 2042 - Declaration of Aris Silzars, Ph.D.: FRE 602. Paragraph 5 improperly includes statements relating to the purported origin of certain products of which the declarant has no personal knowledge. **FRE 701 / 702.** The witness has neither established that he is an expert, nor that his testimony constitutes proper lay opinion. **FRE 702.** To the extent the declaration purports to include expert opinions,

it lacks explanation of its underlying basis and is thus unreliable. For instance, no explanation of the procedure or methods followed is provided. **FRE 802.** The exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including the origin of the depicted product). And, Patent Owner has not established that any hearsay exception applies.

4. Ex. 2045 - Samsung Display Co., Ltd. v. BOE Tech. Co. Ltd. et al., Case No. 2-23-cv-00309, Compl. (E.D. Tex. Jun. 26, 2023): FRE 802. This exhibit includes out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (including statements relating to various purported product features). And, Patent Owner has not established that any hearsay exception applies.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: December 19, 2024

/K. Patrick Herman/

K. Patrick Herman, Reg. No. 75,018
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019
Telephone: (212) 506-3596
Email: P52PTABDocket@orrick.com

Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on December 19, 2024 via email upon the following counsel of record for Patent Owner:

David A. Garr (dgarr@cov.com)
Scott C. Weidenfeller (sweidenfeller@cov.com)
SDC-BOE-IPR@cov.com
COVINGTON & BURLING LLP

/K. Patrick Herman/

K. Patrick Herman, Reg. No. 75,018
Orrick, Herrington & Sutcliffe LLP
51 West 52nd Street
New York, NY 10019
Telephone: (212) 506-3596
Email: P52PTABDocket@orrick.com