

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CUB ELECPARTS INC.

Petitioner,

v.

ORANGE ELECTRONIC CO., LTD.

Patent Owner

IPR2024-00744
Patent No. 8,031,064 C3

**PATENT OWNER'S OPPOSITION TO PETITIONER'S
MOTION FOR LEAVE TO SUBSTITUTE EXHIBITS**

TABLE OF EXHIBITS

Exhibit	Description
2001	Mitchell1, “Tire Pressure Monitoring Systems Guide,” 2007 (excerpt)
2002	File History – <i>Ex Parte</i> Reexamination No. 90-012,430
2003	File History – <i>Ex Parte</i> Reexamination No. 90-013,169
2004	File History – <i>Ex Parte</i> Reexamination No. 90-014,362
2005	IPR2021-00383, Decision Denying Institution (Paper 8)
2006	U.S. Patent No. 6,927,679 to Taguchi et al. (“Taguchi”)
2007	U.S. Publication No. 2006/0208864 to Nantz et al. (“Nantz”)
2008	U.S. Patent No. 6,920,785 to Toyofuku
2009	Appeal Notice, Taiwan IP Court to the Supreme Administrative Court
2010	Certified Translation of Appeal Notice (Ex-2009)
2011	Reply Brief filed January 30, 2006 in U.S. Application No. 10/716,121
2012	September 2024 Email from Board
2013	August 30, 2024 Email from Board

Petitioner offers no explanation for its request to replace previously-filed exhibits (Ex-1005 and Ex-1009) with new exhibits (Ex-1010 and Ex-1011). Mot. (Paper 8) at 2-21. Late filings, however, are only allowed upon a showing of good cause or where consideration on the merits would be in the interests of justice. 37 C.F.R. § 42.5(c)(3); *see also* Ex-2013 (“Petitioner’s motion should address why the proposed substitutions are warranted”).

There is no cause, much less good cause, to excuse Petitioner’s late submission of evidence. For example, Petitioner fails to explain why its original exhibit Ex-1005 was improperly filed as an unauthenticated and uncertified machine translation, in plain violation of the rules. 37 C.F.R. § 42.20(c) (moving party must establish that it is entitled to relief); *see also* 37 C.F.R. § 42.63(b) (when relying on a non-English language document, “a translation of the document into English and an affidavit attesting to the accuracy of the translation must be filed with the document”). Nor does Petitioner allege that it could not have complied with the Board’s rules when filing the Petition.

In addition, Petitioner does not establish that its belated exhibits are in the interests of justice. At most, Petitioner asserts that it “is requesting the substitution in order to provide a more complete record.” Mot. at 3-4. Even if this were the case, Petitioner does not explain why it is entitled to modify or “complete” the

record at this stage. *See, e.g., VigLink, Inc. et al. v. Linkgine, Inc.*, CBM2014-00184, Paper 26 at 5 (PTAB Aug. 21, 2015) (“At most, [movant] suggests this relief would result in an efficient and speedy resolution, but [movant] does not explain why it should be entitled to this benefit”).

Rather than “complete” or clarify the record, Petitioner’s request has the opposite effect of further complicating it. For example, despite the Board’s email instructions of August 30, 2024 (Ex-2013), the Motion does not clearly indicate whether it is requesting to expunge the original exhibits Ex-1005 and Ex-1009, or simply add the new exhibits Ex-1010 and Ex-1011. Nor does the Motion address the multiple belated filings of Ex-1005 (August 21, 2024, August 28, 2024, August 30, 2024) and Ex-1009 (August 28, 2024, August 30, 2024), and whether they should be expunged from the record. Moreover, Petitioner’s requested relief would leave various inconsistencies in the record. For example, the Petition and Patent Owner’s Preliminary Response both cite to Ex-1005 and Ex-1009, and do not cite to the later Ex-1010 and Ex-1011. Both papers also quote passages from the original Ex-1005, which are not reflected verbatim in the replacement Ex-1010. *Compare* Ex-1005 at [0034] (quoted by Preliminary Response at 56-57 and Petition at 51) *with* Ex-1010 at [0034].

Thus, as with the movant in the *VigLink* case, Petitioner too “has not made any case as to why, either under a good cause standard or an interests-of-justice

standard, it should be allowed to effectively amend [the record] at this stage in the proceeding.” *VigLink*, CBM2014-00184, Paper 26 at 5. For at least this reason, its Motion should be denied.¹

Respectfully submitted,

/Fadi Kiblawi/

Fadi Kiblawi, Reg. No. 61,973

John Rabena, Reg. No. 38,584

William Mandir, Reg. No. 32,156

Sughrue Mion, PLLC

Telephone: (202) 293-7060

Facsimile: (202) 293-7860

September 20, 2024

¹ Petitioner's Motion should also be denied in the interests of justice because it flouts the rules, *e.g.*, exceeding the 15-page limit by including 16 pages of text (Mot. at 6-21) in addition to yet again using a font size much smaller than the required 14-point font therefor, and by omitting the required Certificate of Service. 37 C.F.R. § 42.24(a)(1)(v); 37 C.F.R. § 42.6(a)(2); 37 C.F.R. § 42.6(e)(4).

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the attached Patent Owner's
Opposition is being served by electronic mail on the following counsel of record:
Margaret Burke, Reg. No. 34,474
Sam Yip, Reg. No. 62,099

/Fadi Kiblawi/

Date: September 20, 2024