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

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SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.

Petitioners,

v.

MAXELL, LTD.,
Patent Owner

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**Case: IPR2024-00777**

**U.S. Patent No. 11,017,815**

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# PATENT OWNER'S OBJECTIONS TO EVIDENCE UNDER 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

# I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence ("F.R.E."), the undersigned counsel, on behalf of Patent Owner, hereby serves and submits the following objections to evidence submitted by Petitioner accompanying Petitioner's Petition for *Inter Partes* Review. These objections are timely because they are filed within five business days of service of the evidence.

# II. OBJECTIONS

## A. Ex. 1070

Patent Owner objects to Exhibit 1070, and any reference to or reliance on this exhibit, on the following grounds:

**37 C.F.R. § 42.61 (Admissibility of evidence):** This exhibit is not admissible under any applicable rule of the Patent Trial and Appeal Board.

**F.R.E. 801/802/805 (Hearsay):** This exhibit includes inadmissible hearsay and/or double hearsay with no applicable exceptions.

## B. Ex. 1071

Patent Owner objects to Exhibit 1071, and any reference to or reliance on this exhibit, on the following grounds:

**37 C.F.R. § 42.61 (Admissibility of evidence):** This exhibit is not admissible under any applicable rule of the Patent Trial and Appeal Board.

**F.R.E. 106 (Completeness):** Exhibit 1071 is inadmissible because it is incomplete.

**F.R.E. 401/402 (Relevance):** This exhibit is not relevant to any ground upon which trial was instituted. This exhibit has no bearing on whether the challenged claims are patentable under 35 U.S.C. § 103, the grounds of institution in this proceeding.

**F.R.E. 403 (Excluding evidence for prejudice, confusion, waste of time, or for other reasons):** This exhibit includes information 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.

**F.R.E. 801/802/805 (Hearsay):** This exhibit includes inadmissible hearsay and/or double hearsay with no applicable exceptions. For example, this exhibit is inadmissible hearsay as to the date of publication or the date when the document was publicly accessible or publicly available.

**F.R.E. 901/902 (Authentication):** This exhibit is inadmissible because it is not properly authenticated.

### C. Ex. 1073

Patent Owner objects to Exhibit 1073, and any reference to or reliance on this exhibit, on the following grounds:

**37 C.F.R. § 42.61 (Admissibility of evidence):** This exhibit is not admissible under any applicable rule of the Patent Trial and Appeal Board.

**F.R.E. 401/402 (Relevance):** This exhibit is not relevant to any ground upon which trial was instituted. This exhibit has no bearing on whether the challenged claims are patentable under 35 U.S.C. § 103, the grounds of institution in this proceeding.

**F.R.E. 403 (Excluding evidence for prejudice, confusion, waste of time, or for other reasons):** This exhibit includes information 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.

**F.R.E. 801/802/805 (Hearsay):** This exhibit includes inadmissible hearsay and/or double hearsay with no applicable exceptions. For example, this exhibit is inadmissible hearsay as to the date of publication or the date when the documents contained therein were publicly accessible or publicly available.

**F.R.E. 901/902 (Authentication):** This exhibit and the documents contained therein are inadmissible because they are not properly authenticated.

## III. CONCLUSION

For at least the foregoing reasons, Patent Owner objects to Exhibits 1070, 1071, and 1073.

Dated: April 30, 2025

Respectfully submitted,

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*Counsel for Maxell, Ltd.*

## CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of April, 2025, a copy of the attached PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1), was served by electronic mail to the attorneys of record, at the following addresses:

James Heintz
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With a courtesy copy by electronic mail to:

dla-samsung-maxell@us.dlapiper.com

Respectfully submitted,

Date: April 30, 2025 By: /Robert G Pluta Reg No 50970/
Robert G. Pluta (Reg. No. 50,970)

*Counsel for Maxell, Ltd.*