UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GIESECKE+DEVRIENT GMBH,
GIESECKE+DEVRIENT CURRENCY TECHNOLOGY GMBH, AND
PAPIERFABRIK LOUISENTHAL GMBH,
Petitioners,

v.

LUMENCO, LLC,
Patent Owner.

Case No. IPR2024-00836
U.S. Patent No. 10,189,294

PETITIONERS' OBJECTION TO
PATENT OWNER'S EVIDENCE

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REGULATIONS

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I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Giesecke+Devrient GmbH, Giesecke+Devrient Currency Technology GmbH, and Papierfabrik Louisenthal GmbH ("Petitioners") submit the following objections to evidence submitted by Patent Owner Lumenco, LLC ("Patent Owner"). Petitioners' objections apply equally to Patent Owner's reliance on this evidence in any subsequently filed documents or further proceedings in this matter. Petitioners' objections are timely, having been filed and served within ten business days of the institution of trial. Notwithstanding these objections, Petitioners expressly reserve the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

II. LEGAL STANDARDS

The Federal Rules of Evidence ("F.R.E.") generally applies to IPR proceedings. 37 C.F.R. § 42.62. Evidence that is presented must be relevant and have probative value that is substantially outweighed by other considerations. F.R.E. 401-403. Further, to properly authenticate evidence, a proponent "must produce evidence sufficient to support a finding that the item is what the proponent claims it is." F.R.E. 901. Additionally, out-of-court statements relied upon for the truth of the matter asserted are inadmissible hearsay, unless an exception applies. F.R.E. 801(c) and 802.

III. OBJECTIONS TO EVIDENCE

A. Exhibit 2001

Petitioners object to Exhibit 2001 to the extent that it provides opinions that are irrelevant under F.R.E. 401-402, or that its probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. For example, Exhibit 2001 was cited in the "Factual Background" section of Patent Owner's Preliminary Response (Paper 7, 5-7) and not cited in relation to any of Patent Owner' substantive arguments for denying the Petition. Exhibit 2001 therefore does not appear to make any fact of consequence in determining this action more or less probable than it would be without them and are thus irrelevant and not admissible (F.R.E. 401, 402).

B. Exhibits 2002-03

Petitioners object to these exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they are authentic or self-authenticating under F.R.E. 902. Additionally, Patent Owner appears to cite to Exhibits 2002-03 as alleged evidence of the ordinary meaning and description of the term "voxel." *See* Patent Owner's Preliminary Response (Paper 7), 11. To the extent Patent Owner relies on these documents for the truth of the matter asserted, Petitioners object to these exhibits as inadmissible hearsay under F.R.E. 801 and 802 that do not fall under any exceptions, including those of F.R.E. 803, 804, 805, or 807. Petitioners further object to Exhibit 2002 under F.R.E. 401-

402 (relevance) and F.R.E. 403 (prejudicial, confusing, limited probative value, waste of time) as it reflects a date of 2024, and therefore has no bearing on what a person of ordinary skill would have understood at the time of the alleged invention. Petitioners further object to Exhibit 2003 under F.R.E. 401-402 (relevance) and F.R.E. 403 (prejudicial, confusing, limited probative value, waste of time) as, according to Patent Owner's own representations to the Patent Office, the field of the exhibit ("3-D Visualization on Mobile Devices") is outside the field of the alleged invention, and therefore has no bearing on what a person of ordinary skill would have understood.

IV. CONCLUSION

For at least the foregoing reasons, Petitioners object to the aforementioned Exhibits submitted by Patent Owner in its preliminary response.

Date: December 10, 2024

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CERTIFICATE OF SERVICE

The undersigned certifies that on December 10, 2024, a true and correct copy of **PETITIONERS' OBJECTIONS TO EVIDENCE** was served via electronic email on Patent Owner's counsel of record listed below, pursuant to its Mandatory Notices:

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