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' OBJECTIONS TO PATENT OWNER'S EVIDENCE SUBMITTED WITH ITS PATENT OWNER RESPONSE

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I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence ("FRE"), 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") with its Patent Owner Response ("POR") (Paper No. 13). 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 five business days of service. 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. OBJECTIONS TO EVIDENCE: EXHIBIT 2004 (LINDSTRAND DECLARATION)

Petitioners object to the admissibility of Exhibit 2004 under FRE 401–402 (relevance) and FRE 403 (probative value outweighed by prejudice, confusing of issues, wasting time, or needlessly presenting cumulative evidence).

Petitioners further object to each and every portion of Exhibit 2004 that is not cited in the POR under FRE 401-403. In particular, Petitioners object to paragraphs 1-22, 24, 26, 29-31, 34, 38-42, 54, 56, 59-62, 66, 71-84 of Exhibit 2004, which are

not cited anywhere in the POR. The foregoing paragraphs, which are not cited or discussed in the POR, are not probative. At the very least, the probative value of the aforementioned paragraphs is substantially outweighed by at least the dangers of unfair prejudice and confusing the issues. Further, paragraphs 72-84 relate to claim language that is not recited in the '294 patent and is therefore irrelevant and not probative.

Petitioners further object to Paragraphs 26-37 and 45-84 of Exhibit 2004 under FRE 401-403 as misleading, incomplete, and irrelevant because they lack support for the contentions for which they are cited and/or incorrectly characterize the state of the art, Petitioners' and/or Dr. Hesselink's positions, the prior art, and/or the asserted patents. Petitioners further object to these paragraphs under FRE 702-03 as not being based on sufficient facts or data, the product of reliable principles and methods, and/or not reflecting a reliable application of the principles and methods to the facts.

Petitioners object to Exhibit 2004 under FRE 401-403 and 702-03 to the extent it contains opinions that involve application of legal standards of which Dr. Lindstrand has not been informed and/or is unaware of, or informed of insufficiently. *See*, *e.g.*, Paragraphs 41, 43, 57-58, 60, 71 of Exhibit. 2004.

Petitioners object to Exhibit 2004 under FRE 702 and 703, in addition to *Daubert v. Merrell Dow Pharm., Inc.*, 509 U.S. 579 (1993), which set forth certain

requirements for admissibility of expert testimony as evidence. Exhibit 2004 is not admissible under FRE 702 and 703 and *Daubert* because Dr. Lindstrand does not possess the technical expertise necessary to assist the trier of fact. Dr. Lindstrand does not have the education required to be a POSITA, and neither PO nor Dr. Lindstrand have demonstrated that Dr. Lindstrand possessed the requisite experience to qualify as a POSITA before the priority date.

III. CONCLUSION

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

Date: February 25, 2025

By: /David M. Tennant/

David M. Tennant (Reg. No. 48,362)
PAUL HASTINGS LLP
2050 M Street NW
Washington, DC 20036
Telephone: (202) 551-1997
davidtennant@paulhastings.com

Counsel for Petitioners
Giesecke+Devrient GmbH,
Giesecke+Devrient Currency
Technology GmbH, and
Papierfabrik Louisenthal GmbH

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of **PETITIONERS' OBJECTIONS TO EVIENCE** was served via electronic email on Patent Owner's counsel of record listed below, pursuant to its Mandatory Notices, on February 25, 2025:

C. Matthew Rozier (Reg. No. 63,429)
Kristin M. Whidby (Reg. No. 71,026)
ROZIER HARDT MCDONOUGH PLLC
1500 K Street, 2nd Floor
Washington, DC 20005
matt@rhmtrial.com
kristin@rhmtrial.com

Dated: February 25, 2025

By: /David M. Tennant/
David M. Tennant (Reg. No. 48,362)
PAUL HASTINGS LLP
2050 M Street NW
Washington, DC 20036
Telephone: (202) 551-1997
davidtennant@paulhastings.com

Counsel for Petitioners
Giesecke+Devrient GmbH,
Giesecke+Devrient Currency
Technology GmbH, and
Papierfabrik Louisenthal GmbH