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

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

Petitioners,

v.

MAXELL, LTD.,
Patent Owner

Case: IPR2024-00906

U.S. Patent No. 11,445,241

PATENT OWNER'S REPLY IN SUPPORT OF MOTION TO EXCLUDE EVIDENCE

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FRE 901 1

FRE 902 1

PATENT OWNER'S EXHIBIT LIST

Exhibit	Description
2001	1st Amended Docket Control Order from District Court Litigation
2002	Original Docket Control Order from District Court Litigation
2003	Maxell's Supplemental Preliminary Election of Asserted Claims
2004	Defendants' Preliminary Election of Prior Art
2005	U.S. Patent Publication No. US 2006/0203758 (Tee)
2006	U.S. Patent Publication No. US 2006/0135076 (Honkanen)
2007	Petitioner's invalidity contentions chart in District Court—Tee
2008	Petitioner's invalidity contentions chart in District Court—Honkanen
2010	L2CAP-Based Prototype Media Streaming via Bluetooth Technology
2011	https://www.nytimes.com/2009/10/19/technology/companies/19nokia.html
2012	https://www.codeproject.com/Articles/9357/Symbian-OS-design-faults
2013	https://www.engadget.com/2010-10-21-nokia-refines-development-stategy-adopts-html5-in-qt-and-ends-s.html
2014	https://www.businessinsider.com/ios-5-over-the-air-updates-2011-7
2015	https://support.apple.com/en-us/102998
2016	Conference Transcript
2017	Declaration of Bruce McNair, dated March 26, 2025
2018	Claim Construction Order
2019	https://time.com/4837176/iphone-10th-anniversary/
2020	https://sites.suffolk.edu/jhtl/2014/09/30/nfc-technology-makes-first-appearance-in-apple-devices/
2021	https://www.nfcw.com/2010/12/07/35385/google-unveils-first-android-nfc-phone-but-nexus-s-is-limited-to-tag-reading-only-for-now/
2022	https://news.samsung.com/us/samsung-announces-launch-dates-for-groundbreaking-mobile-payment-service-samsung-pay/
2023	https://www.theregister.com/2008/08/13/iphone_not_very_3g/
2024	https://www.wsj.com/articles/SB118306134626851922
2025	https://blogs.windows.com/devices/2012/09/19/circuit-training-the-amazing-evolution-of-smartphone-processors/
2026	Essentials of Mobile Handset Design
2027	https://9to5mac.com/2012/06/02/new-iphone-to-debut-with-dual-band-40nm-bcm4334-broadcom-wifi-significant-power-savings-and-wifi-directios-airdrop/
2028	https://community.arubanetworks.com/browse/blogs/blogviewer?blogkey=5c9cb0f9-a77e-4f1f-95de-4aac6fa7b262
2029	SAM-MAX-00388464

2030	Creusere Deposition Transcript
2031	https://www.wired.com/2007/06/why-the-iphone-2/
2032	https://www.comms-express.com/infozone/article/802-11n/
2033	https://support.apple.com/en-us/102587
2034	https://www.ezurio.com/resources/blog/ota-over-the-air-updates-for-iot-devices
2035	https://www.theregister.com/2007/02/06/nokia_update_updated/
2036	UMTS; Physical channels and mapping of transport channels onto physical channels

I. INTRODUCTION

PO appropriately identified evidentiary bases for excluding evidence in its motion. Petitioner's opposition failed to satisfy its burden to establish evidence's admissibility and confirms that Exhibits 1002, 1007, 1010, 1014, 1015, 1017, 1018, and 1031-1032 should be excluded.

II. ARGUMENT

A. Technically accessible links are irrelevant to public accessibility.

Admissibility of EX1010, EX1014, and EX1015 is a threshold issue, and Petitioner's attempt to shift its burden onto Patent Owner (Opp. at 2) should be rejected. The exhibits should be excluded because they lack foundation, authenticity, and relevancy. *See, e.g.*, *TRW Automotive U.S. LLC v. Magna Electronics Inc.*, IPR2014-01348, Paper 25, at 12 (P.T.A.B. Jan. 15, 2016) (excluding document contested as not publicly accessible based on finding lack of authenticity). Petitioner's reliance on FRE 901(a) is unavailing and none of these exhibits are self-authenticating under FRE 902.

Other than Petitioner's vague conjecture, there is no evidence that a POSITA knew of EX1010, EX1014, or EX1015 or their location in 2007. Nor does Petitioner offer evidence or argument that these webpages location were "indexed… (through search engines or otherwise)" and thus locatable by a search engine. Thus, although Petitioner has attempted to make a showing that EX1010, EX1014, or EX1015 were

technically accessible, "public accessibility requires more than technical accessibility." *Samsung Elec. Co. v. Infobridge Pte. Ltd.*, 929 F.3d 1363, 1369 (Fed. Cir. 2019); *see also First Solar, Inc. v. Rovshan Sade*, IPR2023-00827, Paper 13, at 15-19 (P.T.A.B. November 16, 2023) (finding, in similar circumstances, Internet Archive links insufficient for a showing of public accessibility).

The disparate links and archival dates used in Petitioner's attempt to recreate the pathway to EX1010 and EX1015 simply highlight the inaccessibility of EX1010, 1014, and EX1015 to a POSITA in 2007. "[A] work is not publicly accessible if the only people who know how to find it are the ones who created it." *Samsung Elecs.*, 929 F.3d at 1372.

Internet Archive webpages are not evidence of public accessibility. *First Solar*, IPR2023-00827, Paper 13, at 15-19. Mr. McNair's testimony relates to different archived webpages navigated in 2025—evidence not presented in the Petition—and does not prove by a preponderance of the evidence that Exhibits 1010, EX1014, and EX1015 were publicly accessible in 2007. Public accessibility is evaluated based on whether a POSITA could have located the document using tools available and customary at the time, not via hindsight navigation. *See Medtronic, Inc. v. Barry*, 891 F.3d 1368, 1380 (Fed. Cir. 2018).

For EX1015, Petitioners fail to rebut that the paths for EX1015 are reliant on prior knowledge of EX1015. Paper 33 at 6-7; *see* Paper 32 at 5.

B. EX1015, an unapproved working document, is irrelevant and unauthenticated in showing the standards of the relevant time period.

Petitioner's opposition never grapples with the fact that EX1015 "has not been subject to any approval process" and "shall not be implemented." EX1015 at 1. Petitioner casts this not as an admissibility issue but an argument on the merits. Not so. Petitioner's authentication arguments, directed solely to the fact that the document was allegedly accessible via the 3GPP website, fails to authenticate EX1015 as what Petitioner claims it is—part of the UMTS standard. *TRW Automotive*, IPR2014-01348, Paper 25, at 12; *Riverbed Technology, Inc. v. Realtime Data LLC*, IPR2016-00978, Paper 67, at 41 (P.T.A.B. Oct. 30, 2017).

Petitioner's arguments relate to whether EX1015 was relevant to ***UMTS***, and thus relevant to a ground presented in the Petition. But Petitioner fails to rebut that EX1015 is an unapproved working document irrelevant and inauthentic in showing ***any*** standard in effect prior to November 2007. *See* Paper 33 at 7-8; EX1015 at 1. Unapproved working documents are ***not*** part of a standard. *See Telxon Corp. v. Symbol Techs., Inc.*, 961 F. Supp. 1113, 1126 (N.D. Ohio 1996) (stating that a company misrepresented compliance with a standard because the standard was not finalized: "Symbol has made false and misleading statements that Spectrum 24 [] is compliant with the IEEE 802.11 standard. ***The truth is that the IEEE 802.11***

standard has not been finalized. Spectrum 24 is not compliant with the IEEE 802.11 draft standard."); *see also* EX1015 at 1.

Because EX1015 was an unapproved working document, it lacks both authentication and relevance in the manner in which Petitioner relies on it, because Petitioner specifically relied on EX1015 to show the relevant standards. Pet. at 23 (relying on EX1015 to show "UMTS modulation schemes…as required by those standards"); Pet. at 53-54 (stating that EX1015 is a secondary reference that discloses the correct modulations and frequencies for a standard).

Petitioner does not dispute that EX1015 is an unapproved working document or provide any evidence that EX1015 was ever implemented as part of a standard. *Id*. Instead, Petitioner's arguments all concern whether EX1015 is relevant to ***UMTS*** by conflating UMTS with 3G or 3GPP. *Id.* These arguments fail to rebut that EX1015 is not reflective of ***any*** standard and is therefore irrelevant to this proceeding. Petitioner's opposition highlights why EX1015 should be excluded; it intends to confuse the issues on what EX1015 represents. Paper 33 at 7-8.

EX1015 lacks relevancy, authenticity, and confuses issues relating to the "relevant standards" at the time of invention.

C. Exhibits 1031-1032 should be excluded

Exhibits 1031-1032, and the "accompanying exhibits" attached thereto, should be excluded as irrelevant and untimely. *See* Paper 17 at 4-10. Petitioner may

not circumvent the time requirement of 37 C.F.R. § 42.64(b)(2) by submitting late supplemental evidence as supplemental information. *Samsung Electronics Co., Ltd. et al. v. Maxell, Ltd.*, IPR2024-00735, Paper 34, at 7 (P.T.A.B. Aug. 29, 2025).

Additionally, Exhibits 1031-1032 fail to show any linkage to the URL at which Petitioner alleged EX1010 was available. Instead, these exhibits only state "Online copy of the N93 Manual (PDF)" with no reference to the alleged URL. EX1031 at 5. Petitioner also concedes that links to EX1010 were ***inoperable***. Paper 16 at 5 ("User Guides page with inoperable link to pdf of N93"). EX1031 and EX1032 are therefore irrelevant in showing that the link to the N93 user manual was publicly accessible. Because EX1031 and EX1032 include no reference to EX1010, EXS1031-1032 and the accompanying exhibits are at best evidence of the N93 product, rather than EX1010, and thus irrelevant to the public accessibility of EX1010. *Samsung*, IPR2024-00735, Paper 34 at 4. Petitioner explicitly distinguishes between the N93 User Manual (EX1010) versus the N93 product when it suits its purposes, thus highlighting the irrelevance of Exhibits 1031-1032 and the accompanying exhibits. *See* Paper 23 at 15.

III. CONCLUSION

For at least the foregoing reasons, the Board should exclude Exhibits 1002, 1010, 1014, 1015, 1017, 1018, and 1031-1032.

Dated: September 3, 2025

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of September, 2025, a copy of the attached Patent Owner's Reply in Support of Motion to Exclude Evidence, together with all exhibits was served by electronic mail to the attorneys of record, at the following addresses:

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