UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION,

Petitioner

v.

OPTIMUM IMAGING TECHNOLOGIES LLC,

Patent Owner

Case IPR2024-00924

Patent No. 7,612,805

PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH THE PETITION

Mail Stop PATENT BOARD
Patent Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner hereby files its objections under the Federal Rules of Evidence ("FRE") to evidence submitted with the petition. The Board instituted trial on December 12, 2024 and therefore these objections are timely.

II. OBJECTIONS TO TRANSLATIONS OF FOREIGN-LANGUAGE DOCUMENTS

The exhibits identified below are translations of foreign-language documents. The objections for each identified exhibit are substantially similar and summarized hereinafter.

Each exhibit is objected as being hearsay or containing hearsay under FRE 801 and is inadmissible under FRE 802-807. Each exhibit is objected to under the Best Evidence Rule FRE 1002. Each exhibit is objected to as being or containing inaccuracies and being unfairly prejudicial, confusing, and misleading under FRE 403. Each exhibit is objected to as containing testimony on matters for which the witness lacks personal knowledge under FRE 602. Each exhibit is objected to as containing testimony from an unqualified witness under FRE 604. Each exhibit is objected to as unhelpful to resolving issues and as offering expert testimony from a lay witness under FRE 701. Each exhibit is objected to as containing testimony from an unqualified expert under FRE 702 and FRE 703 and further failing to be

based on sufficient facts/data, the product of reliable principles/methods, or reliable application of the principles/methods and for being conclusory. Each exhibit is objected to as having substantial prejudicial effect under FRE 703.

Exhibit	**Description**	**Objections**
1006	Certified Translation Of Japanese Patent Application No. JP2004-233872 ("JP-872")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703
1007	Certified Translation Of Japanese Patent No. JPA 2004-343358 ("Kishida")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703
1008	Certified Translation Of Japanese Patent Application Publication JP 2004-328506A ("Kita")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703
1044	Certified Translation Of Japanese Patent No. JPH (1999)-313250 ("Yamagata")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703

1047	GUAN et al., Digital Image Correcting Method for Digital Camera (December 2005) ("Ricoh")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703
1051	Certified Translation Of Japanese Patent No. JPA 2002-190979 ("Kuniba")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703
1052	Certified Translation Of Japanese Patent No. JPA 2000-184247 ("Imai")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703
1058	Certified Translation Of PCT Publication No. WO 2002/069214 ("Takae")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703
1060	Certified Translation Of Japanese Patent Application Publication No. JP 2001-251546A ("Iida")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703

1066	Certified Translation Of Japanese Patent No. JPA 2006-72660 ("Yamazaki")	FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703

III. OBJECTIONS TO EXHIBIT 1076

This exhibit is objected to under FRE 901 for lack of authenticity, e.g., no date on document, and under FRE 401 and FRE 402 as irrelevant, e.g., not prior art.

IV. OBJECTIONS TO EXHIBIT 1003

To the extent Dr. Laub does not qualify as a person of ordinary skill in the art, the expert declaration in its entirety is objected to under FRE 701 as offering expert testimony from a lay witness, under FRE 702 as unqualified expert testimony, under FRE 703 as having substantial prejudicial effect, under FRE 403 as being unfairly prejudicial confusing, and misleading, and under FRE 1002 Best Evidence Rule.

To the extent Dr. Laub relies on Exhibits 1006, 1007, 1008, 1044, 1047, 1051, 1052, 1058, 1060, and/or 1066, the following paragraphs of the expert declaration are objected to under FRE 602 as containing testimony on matters for

which the witness lacks personal knowledge, under FRE 1002 Best Evidence Rule, under FRE 702 as failing to be based on sufficient facts/data, the product of reliable principles/methods, or reliable application of the principles/methods and for being conclusory, under FRE 703 as having substantial prejudicial effect, and under FRE 403 as being unfairly prejudicial, confusing, and misleading.

¶¶83, 86, 87, 96, 99, 100, 109, 110, 121, 124, 125, 127, 128, 129, 137, 140, 144, 168, 169, 173, 175, 178, 182, 183, 193, 194, 195, 202, 206, 217, 220, 244, and 374

To the extent Dr. Laub relies on Exhibit 1076, the following paragraphs of the expert declaration are objected to under FRE 602 as containing testimony on matters for which the witness lacks personal knowledge, under FRE 702 as failing to be based on sufficient facts/data, the product of reliable principles/methods, or reliable application of the principles/methods and for being conclusory, under FRE 703 as having substantial prejudicial effect, and under FRE 403 as being unfairly prejudicial, confusing, and misleading.

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The following paragraphs of the expert declaration are objected to as being conclusory and under FRE 702 as failing to be based on sufficient facts/data, the product of reliable principles/methods, or reliable application of the principles/methods and for being conclusory, under FRE 703 as having substantial

prejudicial effect, and under FRE 403 as being unfairly prejudicial, confusing, and misleading.

¶¶73, 111, 114, 133, 149, 153, 155, 161, 164, 166, 176, 189, 198, 199, 200, 205, 221, 222, 236, 240, 245, 249, 290, 291, 292, 293, 295, 313, 314, 318, 319, 320, 336, 349, 351, 352, 353, 381, 387, and 394

Paragraph 73 of the expert declaration is objected to as including impermissible legal conclusions.

Respectfully submitted,

Date: December 27, 2024

By: /s/ *Thomas M. Dunham*

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LLC

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies the PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH THE PETITION were served on the undersigned date via email, as authorized by Petitioner, at the following email addresses:

SMcKeown-PTAB@WolfGreenfield.com

AWichman-PTAB@WolfGreenfield.com

RPritzker-PTAB@WolfGreenfield.com

Respectfully submitted,

Date: December 27, 2024

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