

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORMFACTOR, INC.,
Petitioner,

v.

TECHNOPROBE S.P.A.,
Patent Owner.

Case IPR2024-00933
Patent No. 11,035,885

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner objects to the following Exhibits submitted with the Petition.

Patent Owner objects to Exhibits 1007 and 1017 as being non-English documents that lack a proper translation. 37 C.F.R. § 42.63(b) requires that “[w]hen a party relies on a document or is required to produce a document in a language other than English, a translation of the document into English and an affidavit attesting to the accuracy of the translation must be filed with the document.” Patent Owner also objects to Exhibits 1008 and 1018 to the extent Petitioner argues they include the required affidavits for English translations of Exhibits 1007 and 1017, respectively. 37 C.F.R. § 42.2 defines an affidavit as “affidavit or declaration under § 1.68 of this chapter. A transcript of an *ex parte* deposition or a declaration under 28 U.S.C. 1746 may be used as an affidavit.” 37 C.F.R. § 1.68, however, requires that the declarant be warned, on the same document, “that willful false statements and the like are punishable by fine or imprisonment, or both (18 U.S.C. [§]1001).” *See also* 28 U.S.C. § 1746. It also requires that the declarant “set forth in the body of the declaration that all statements made of the declarant’s own knowledge are true and that all statements made on information and belief are believed to be true.” 37 C.F.R. § 1.68. Exhibits 1008 and 1018 omit these requirements and thus do not comply with Rule 1.68 or Section 1746. *See, e.g., ZTE (USA) Inc. v. Evolved Wireless LLC*, No. IPR2016-00757, Paper 42 at 23-24 (Nov. 30, 2017), *aff’d* 778 F. App’x 967 (Fed.

Cir. 2019); *Intel Corp. v. Alacrittech, Inc.*, No. IPR2017-01402, Paper 8 at 5-6 (Nov. 6, 2017). The required affidavits for Exhibits 1007 and 1017 under 37 C.F.R. § 42.63(b) therefore do not exist.

Patent Owner objects to Exhibit 1013 under Federal Rule of Evidence (FRE) 901 for lack of authentication and for lack of foundation, and under FRE 801 as containing hearsay and not falling within any exception permitted by FRE 802 or FRE 803.

Respectfully submitted,

Dated: February 6, 2025

/Houtan K. Esfahani/
Houtan K. Esfahani, Reg. No. 41,893
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP
Lead Counsel for Patent Owner
Technoprobe S.p.A.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **PATENT OWNER'S
OBJECTIONS TO PETITIONER'S EVIDENCE PURSUANT TO 37 C.F.R. §
42.64(b)(1)** was served electronically via email on February 6, 2025, in its entirety
on the following:

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Petitioner has consented to service by email.

Dated: February 6, 2025

/William Esper/
William Esper
Legal Assistant and PTAB Coordinator
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