

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 B2

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

In accordance with 37 C.F.R. § 42.64(b)(1), Petitioner FormFactor, Inc. ("FormFactor" or "Petitioner") hereby objects to the following exhibits submitted with Patent Owner's Response and Exhibit List (Papers 13, 14).

FormFactor objects to Exhibit 2001 under Federal Rule of Evidence ("FRE") 702 as containing testimony of unqualified expert witness. In its Response, Patent Owner purports to correct the "typographical errors" in Petitioner's definition of a person of ordinary skill in the art ("POSITA"). See Paper 13 at 3-4. Without agreeing with Patent Owner's position, even using Patent Owner's definition of the "POSITA," Patent Owner's declarant, Dr. Souri, is not a qualified POSITA and thus his Declaration (Exhibit 2001) contains testimony of unqualified expert witness.

Patent Owner uses the following definition for "POSITA":

at least a bachelor's degree in electrical engineering, mechanical engineering, materials engineering, or another field applicable to wafer probing technology, *and either three to five years of professional experience in designing and/or using probe technologies, or an equivalent amount of training or work experience.*

Id. at 4 (emphasis added).

Dr. Souri's statements and his CV in Exhibit 2001 provide no basis to support that he has had three to five years of professional experience in the probe industry and technology or any equivalent experience. Dr. Souri states that "I have significant experience in testing of ICs using micro-scale wafer test probes for functional testing and using Automated Test Equipment to perform parametric testing and process characterization," which includes: "designing test structures on wafers for process

characterization and IC functional testing; using probe stations for sampling specific locations on a semiconductor wafer for testing; generation of test patterns to verify circuit functionality; designing of PCBs for IC packaging and assembly; and application of probe testing for root cause analysis of IC failures.” Paper 13, Exhibit 2001, ¶ 45. Dr. Sourì’s CV, however, does not support the above statements. His CV simply provides that “Dr. Sourì’s expertise is in microelectronics and computing systems.” *Id.*, Exhibit 2001 at 87. A detailed paragraph listing Dr. Sourì’s experience in microelectronics in his CV does not mention designing and/or using probe technologies. *See id.* Dr. Sourì also does not mention in his statements or CV how many years of the purported probe technologies experience he has had. Although Dr. Sourì stated that “additional education could substitute for professional experience,” and vice versa, *id.*, Exhibit 2001, ¶ 44, his additional education in electrical engineering does not automatically qualify him as an expert in probe technologies specifically. Therefore, Dr. Sourì fails to address how his education and experience informs his opinions regarding the probe industry, technologies, or related art.

Patent Owner also fails to establish how a person having only the education in electrical engineering and general experience in microelectronics would have understood these intricacies of the probing technologies, which are critical to the arguments presented in the Patent Owner’s Response. Each instance that Dr. Sourì issues an “opinion” about the probe industry, technology, or related art should be disregarded by the Board as unsupported and lacking foundation under 37 C.F.R. § 42.65(a). *See Avail Medsystems, Inc. v. Teladoc Health, Inc.*, IPR2022-00444, Paper 10 at 24-27 (PTAB July 21, 2022) (denying institution after giving “no weight” to

testimony from the perspective of a skilled artisan where the expert's qualifications fell short); *see also Sundance, Inc. v. DeMonte Fabricating Ltd.*, 550 F.3d 1356, 1364-65 (Fed. Cir. 2008); *Kyocera Senco Indus. Tools Inc. v. ITC*, 22 F.4th 1369, 1375-79 (Fed. Cir. 2022) (finding abuse of discretion when ALJ relied on testimony from an expert with "advanced degrees in engineering and extensive experience in the design and manufacture of fastener driving tools" but who did not have experience in "power nailer design"). Thus, FormFactor objects to Exhibit 2001 as containing testimony of unqualified expert witness.

FormFactor objects to Exhibits 2003 through 2004 and 2006 through 2016 under FRE 801 as containing hearsay and not falling within any exception permitted by FRE 802 or FRE 803.

FormFactor objects to Exhibits 2004, 2015, and 2016 under FRE 901 for lack of authentication and for lack of foundation.

FormFactor's objections to Patent Owner's evidence are being served within five business days of the service of Patent Owner's Response and Exhibit List and, therefore, is timely under 37 C.F.R. § 42.64(b)(1).

Case IPR2024-00933 Petitioner's Objections to Patent Owner's Evidence

Dated: April 25, 2025

Respectfully submitted,

/T. Vann Pearce, Jr./

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on April 25, 2025 via electronic mail, upon the following attorneys of record for the Patent Owner:

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