

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LUXOTTICA OF AMERICA INC.

Petitioner,

v.

E-VISION SMART OPTICS, INC.

Patent Owner.

Case No. IPR2024-01072

Patent No. 10,598,960

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
SUBMITTED IN PETITIONER'S REPLY**

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Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner e-Vision Smart Optics, Inc. (“e-Vision”) objects to the following exhibits filed by Petitioner Luxottica of America Inc. (“Luxottica”) with the reply (Paper No. 28).

Exhibit No.	Objection(s)
1025	35 USC § 312. Petitioner was required to identify in the petition “in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based, and the evidence that supports the grounds for the challenge to each claim, including— (A) copies of patents and printed publications that the petitioner relies upon in support of the petition.” Exhibit 1025 is a patent publication (2006/0023158) that was not identified in the petition, yet Petitioner impermissibly seeks to rely on it as prior art supporting the petition’s argument on motivation to combine the patent references listed in its grounds, as well as Petitioner’s expert’s declaration mirroring the arguments in the petition (<i>see</i> Paper 28, 9-11). Petitioner’s reply further characterizes Exhibit 1025 as forming part of “the record” underlying Petitioner’s argument impugning Patent Owner’s expert declaration as contrary to that “record” (<i>id.</i>, 11). Petitioner’s addition of a new patent publication in its reply to bolster the grounds set out in its petition is untimely. Petitioner should therefore be barred from presenting arguments based on Exhibit 1025.

Respectfully submitted,

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Date: June 30, 2025

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED BY PETITIONER** was served by filing this document through the Patent Trial and Appeal Case Tracking System (P-TACTS) as well as by delivering a copy via electronic mail on June 30, 2025, in the entirety on the following:

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