

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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OLYMPUS CORPORATION, OM DIGITAL SOLUTIONS CORPORATION,  
FUJIFILM CORPORATION, FUJIFILM NORTH AMERICA CORPORATION,  
NIKON CORPORATION, PANASONIC ENTERTAINMENT &  
COMMUNICATION CO., LTD.,

Petitioners

v.

OPTIMUM IMAGING TECHNOLOGIES LLC,

Patent Owner

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Case IPR2024-01220

Patent No. 10,873,685

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**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 February 24, 2025 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.

| <b>Exhibit</b> | <b>Description</b>                                                                      | <b>Objections</b>                                                                |
|----------------|-----------------------------------------------------------------------------------------|----------------------------------------------------------------------------------|
| Ex-1005        | Certified Translation of Japanese<br>Patent App. Pub. No. 2000- 041179<br>("Iwasawa")   | FRE 801/802-807, FRE 1002,<br>FRE 403, FRE 602, FRE 604,<br>FRE 701, FRE 702/703 |
| Ex-1007        | Certified Translation of Japanese<br>Patent App. Pub. No. 6-113309<br>("Ito")           | FRE 801/802-807, FRE 1002,<br>FRE 403, FRE 602, FRE 604,<br>FRE 701, FRE 702/703 |
| Ex-1010        | Certified Translation of Japanese<br>Patent App. Pub. No. 2004- 266768<br>("Matsutani") | FRE 801/802-807, FRE 1002,<br>FRE 403, FRE 602, FRE 604,<br>FRE 701, FRE 702/703 |
| Ex-1018        | Certified Translation of Japanese<br>Patent App. Pub. No. 2005- 25703<br>("Yamada")     | FRE 801/802-807, FRE 1002,<br>FRE 403, FRE 602, FRE 604,<br>FRE 701, FRE 702/703 |
| Ex-1031        | Certified Translation of Japanese<br>Patent App. Pub. No. 5-3568<br>("Shiomi")          | FRE 801/802-807, FRE 1002,<br>FRE 403, FRE 602, FRE 604,<br>FRE 701, FRE 702/703 |

|         |                                                                               |                                                                            |
|---------|-------------------------------------------------------------------------------|----------------------------------------------------------------------------|
| Ex-1033 | Certified Translation of Japanese Patent App. Pub. No. 11-205652 (“Ichiyama”) | FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703 |
| Ex-1035 | “Digital Image Correcting Method for Digital Camera,” Guan et al. (2005)      | FRE 801/802-807, FRE 1002, FRE 403, FRE 602, FRE 604, FRE 701, FRE 702/703 |

### **III. OBJECTIONS TO EXHIBIT 1003**

To the extent Dr. Stevenson relies on Exhibits 1005, 1007, 1010, 1018, 1031, 1033, and/or 1035, 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.

¶¶57, 61-64, 66, 69, 71-78, 82, 85-89, 91, 95-97, 99-101, 107-110, 112, 114, 119, 121-124, 128-129, 136-139, 143, 148, 152, 156, 160-162, 164, 169-170, 174, 177, 180, 183, 188, 189, 190, 195, 199, 202, 205, 210, 213, 216, 219, 222, 227, 231, 236, 237, 241, 244, 246, 248, 251, 256, 259, 263, 266, 268, 271, 275-277, 281-282, 288, 292, 295, 298-299, 301-303, 304-305,

307-308, 314, 316-317, 319-320, 322, 323, 325, 327, 328, 329, 332, 333, 334, 336, 338, 340-342, 344-345, 347, 350, 351, 352, 354, 357-358, 362, 363, 365, 367, 368-369, 370-371, 372, 373, 375, 376, 378, 380, 381, 383, 385, 386, 388, 390, and 391

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.

¶¶22-31, 73-79, 81, 83, 84, 85, 89, 90, 91, 92, 93, 96, 109, 115-118, 119-123, 131, 136, 137-138, 139, 148, 165, 205, 222, 233, 237, 251-252, 255, 256, 257, 259, 261, 271, 275, 276, 277, 281, 288, 292, 298, 305, 308, 314, 317, 320, 323-329, 332, 333, 334, 340, 342, 347-351, 354, 357-362, 365, 368-372, 376, 381, 386, and 391

The following paragraphs of the expert declaration are objected to as including impermissible legal conclusions:

¶¶22-31, 96, 104, 125, 133, 140, 145, 149, 153, 154, 166, 171, 183, 184, 192, 196, 203, 209, 210, 225, 228, 238, 247, 248, 262, 263, 267, 272, 278, 285, 289, 293, 295, 298, 299, 301, 303, 304, 306, 307, 310, 311, 312, 315,

316, 318, 319, 321, 330, 332, 335, 336, 337, 338, 340, 343, 344, 345, 352,  
355, 363, 366, 373, 377, 378, 382, 383, 387, 388, and 392

Respectfully submitted,

Date: March 10, 2025

By: /s/ Thomas M. Dunham

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**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  
Petitioners, at the following email addresses:

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