

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,

Petitioner,

v.

DH INTERNATIONAL LTD.,

Patent Owner.

PTAB Case No. IPR2024-01322

Patent No. 9,022,294

PATENT OWNER'S MOTION TO EXCLUDE REPLY

37 C.F.R. §§ 42.62 & 42.64(c)

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I. INTRODUCTION

Petitioner has failed to provide any evidence in this proceeding that Mr. Lipoff is an expert with sufficient expertise with the Bluetooth specification to provide an opinion as to what “person of skill in the art” (POSITA) would understand about the Bluetooth specification.

II. MR. LIPOFF IS NOT A BLUETOOTH COMMUNICATION EXPERT

Petitioner asserted that: “1) Mr. Lipoff’s testimony is provided from the perspective of a POSITA, 2) the parties’ agreed level of ordinary skill does not require Bluetooth expertise.” Paper 29, 1. The issue is not Mr. Lipoff’s regarding the ’294 patent, which has an agreed-upon standard for the level of a POSITA; it is only his testimony regarding the Bluetooth specifications and standards as presented as evidence in the POR¹ and addressed in his second Declaration (Exhibit 1014). If Mr. Lipoff is not a Bluetooth expert regarding the Bluetooth stand and specifications, he is not qualified to provide an expert opinion on what a POSITA would know and understand about those documents.

An expert cannot be a fixed designation that allows an expert to provide opinions on any technology presented. The ’294 does not even mention Bluetooth, so the definition of a POSITA does not include it. The Petition filed by the Petitioner

¹ Exhibit 2003: “BLUETOOTH SPECIFICATION, Version 1.1, Part K:3

and Mr. Lipoff's first declaration (Ex. 1003) did not provide any opinions related to Exhibit 2003, even though it was incorporated by reference into a reference that is relied on in both Grounds. It was only in his Second declaration that he provided such opinions, i.e., "In my opinion, this disagreement suggests a lack of understanding of Bluetooth and the basic concepts of networking..." Exh. 1004, p. 17. As such, Mr. Lipoff went beyond what he was an expert on when giving opinions regarding Bluetooth in his second declaration (Exh. 1014) that were relied on in Petitioner's Reply.

Further, PO filed an objection to Mr. Lipoff's second Declaration and Petitioner's Reply for Mr. Lipoff providing opinions on matters he is not an expert in, Paper 22. Petitioner, in response to PO objections, **did not or could not** provide any evidence that Mr. Lipoff had expertise with Bluetooth specifications or standards. Mr. Lipoff has gone beyond what a POSITA for the '294 patent would know when he started to make opinions "in his opinion" with no knowledge of Bluetooth, rather than "in his opinion of what a POSTA would know."

Thus, the Board is left with opinions from a person who claims to be an expert and provides opinions on Bluetooth specifications and standards, with no evidence that the expert has any experience or understanding of Bluetooth.

III. CONCLUSION

For the above reasons, PO requests that the Board exclude: The Expert Reply Declaration. (Exh. 1014) and Reply (Paper 19) or, in the alternative, the sections of the Expert Reply Brief and the Reply (Paper 19, pp. 7-26) relying upon these sections be excluded because Mr. Lipoff is not a Bluetooth expert.

Dated: December 9, 2025

Respectfully Submitted

By: /s/ /Robert Hart/

Robert Hart (Reg. No. 35,185)
Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies Patent Owner DH International Ltd. served this **PATENT OWNER'S MOTION TO EXCLUDE REPLY** on the counsel of record for Petitioner Google LLC by filing this document through the P-TACTS, as well as delivering a copy via electronic mail to the following:

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Date: December 9, 2025

By: /s/ *Robert Hart*
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