

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WESTERN DIGITAL TECHNOLOGIES, INC.,
Petitioner,

v.

GODO KAISHA IP BRIDGE 1,
Patent Owner.

Case No. IPR2024-01493
Patent No. 10,680,167

**PATENT OWNER'S REPLY IN SUPPORT OF
MOTION TO EXCLUDE EVIDENCE**

TABLE OF CONTENTS

I.	WD MISSTATES THE LAW APPLYING RULE 702.	1
II.	WD FAILS TO DEMONSTRATE ADMISSIBILITY.....	2
	A. Bokor’s Testimony Is Not Based on Sufficient Facts.	2
	B. Bokor Did Not Apply Any Scientific Principle or Method.	4
	C. Bokor Is Not Qualified To Testify.	5
III.	BOKOR’S TESTIMONY IS INADMISSIBLE.....	5

TABLE OF AUTHORITIES

CASES

<i>Deutsch v. Novartis Pharms. Corp.</i> , 768 F. Supp. 2d 420 (E.D.N.Y. 2011).....	5
<i>Siemens Mobility, Inc. v. Metrom Rail, LLC</i> , IPR2023-00470, Paper 71 (June 18, 2024)	2
<i>UGI Sunbury LLC v. A Permanent Easement for 1.7575 Acres</i> , 949 F.3d 825 (3d Cir. 2020).....	2
<i>Unified Patents Inc. v. IdeaHub, Inc.</i> , IPR2020-01338, Paper 48 (Feb. 7, 2022).....	2

REGULATIONS

37 C.F.R. §42.62(a).....	1, 2
37 C.F.R. §42.62(c).....	2

RULES

Fed. R. Evid. 701	1
Fed. R. Evid. 702	1, 2, 3, 5
Fed. R. Evid. 702(a)	5
Fed. R. Evid. 702(b).....	3

OTHER AUTHORITIES

Fed. R. Evid. 702 Adv. Comm. Notes (2023)	2
---	---

Rule 702 requires exclusion. Paper 46 (“Opp.”) does not rebut IPB’s showing (Paper 45, “Mot.”) that Bokor never considered how using amorphous CoFeB rather than any different material would affect MgO crystallization, even though both experts agree that crystallization depends on the choice of substrate. WD does not dispute Bokor never applied any reliable method to reach his opinion that POSAs would have expected MgO(001) to form on amorphous CoFeB. WD never refutes that Bokor has no qualification to offer testimony on this issue because he admits he is “no expert” on crystal growth. WD fails its burden to show admissibility.

I. WD MISSTATES THE LAW APPLYING RULE 702.

The Federal Rules of Evidence apply to IPR. 37 C.F.R. §42.62(a); Mot., 3. WD admits that Bokor’s testimony (EX1105, ¶¶6-30) is inadmissible under Rule 701. Opp., 12. WD wrongly alleges it has no burden to show that Bokor’s testimony is admissible under Rule 702. Opp., 1-3, 6, 12. It does, and it failed.

Bokor’s testimony is admissible only if WD “demonstrates... it is more likely than not” that it meets *each* of Rule 702(a)-(d). Rule 702; Mot., 3 (citing authority). IPB met its separate “burden as the ‘moving party’” (Opp., 2) by showing that WD failed to demonstrate admissibility under Rule 702.

WD’s separate assertion that it is not “necessary” for the Board to apply Rule 702 (Opp., 1-3) invites legal error. Rule 702 “applies whether the trier of fact is a judge or a jury.” *UGI Sunbury v. A Permanent Easement for 1.7575 Acres*, 949 F.3d

825, 832-833 (3d Cir. 2020) (discussing authority). Rule 702 applies to any “trier of fact”—including the Board in IPR. 37 C.F.R. §§42.62(a) (the Rules “shall apply” to IPR), 42.62(c) (“*court, trier of fact, and judge* mean Board”). The Board has no “discretion” to weigh alleged expert testimony that is inadmissible under Rule 702. Treating the “sufficiency of an expert’s basis, and the application of the expert’s methodology” as “questions of weight and not admissibility... are an incorrect application of Rules 702 and 104(a).” Rule 702 Adv. Comm. Notes (2023). WD cites no authority to the contrary. In *Siemens* and *Unified Patents* (cited Opp., 2) the Board applied Rule 702 and found the testimony admissible.

II. WD FAILS TO DEMONSTRATE ADMISSIBILITY.

A. Bokor’s Testimony Is Not Based on Sufficient Facts.

In EX1105 §IV (comprising ¶¶6-30), Bokor opines that a POSA “would have understood that MgO grown on an amorphous substrate, such as CoFeB, would form as MgO(001) layers.” EX1105, ¶6; Mot., 1. Bokor bases that testimony on references that studied MgO formation on materials *other than* CoFeB:

Reference	EX1105	Mot.	Material
Wang 1997 (EX1097)	¶¶8-11	3-4, 8	Si ₃ N ₄
Inaba (EX1098)	¶¶13-16	3-4, 6-7, 9-10	soda lime glass
Tonouchi (EX1099)	¶¶17-19	3-4, 7-10	SiO ₂ , InP, GaAs
Nagahama (EX1027)	¶¶20-22	3-4, 6-7, 9-10	amorphous MgO
Yoon (EX1040) (citing Wang 1997)	¶11	8-9	fused quartz
Wulff (EX1036) (citing Tonouchi)	¶17	8	float glass

This testimony—EX1105, ¶¶6, 8-11, 13-22—is inadmissible under Rule 702. Both experts agree that substrate material determines crystal formation but Bokor admits that he *never considered* how using amorphous CoFeB substrate rather than the *different materials* in the cited references would affect a POSA’s expectations on whether MgO(001) would form on the amorphous CoFeB. Mot., 3-5.

WD’s contention that Bokor’s failure to consider the key facts goes to weight rather than admissibility ignores the language of Rule 702(b). Opp., 7-8; *supra* §I. WD’s argument that Bokor’s opinion relies on Parkin (Opp., 6-7) misrepresents EX1105, ¶¶6-30, which never mention Parkin. WD’s improper new Parkin arguments are subject to IPB’s motion to strike (Paper 30), not this Motion. WD’s argument that Bokor’s admissions concerning his failure to consider critical facts have “no bearing on... admissibility” is remarkable because precisely those failures makes his testimony unreliable. Opp., 7-8; *id.*, 10-11 (arguing deposition questions were “overly broad and/or out-of-scope”—objections not made at deposition).

WD never disputes that Tonouchi found MgO(001) did not form at the surface of some materials, thus contradicting the assertion that MgO(001) would form at an interface “regardless of substrate selection.” Mot., 7.

WD never disputes that Nagahama and Inaba “seed layers” are amorphous at the underlayer interface. Mot., 6-7. Bokor admits that seed layers are not MgO barrier layers, and the MgO barrier layer in the claims must be crystallized at each

CoFeB interface. Mot., 6. WD’s new argument that EX2013 (which is not prior art) shows “Yuasa’s own MgO layer is not crystallized at the [CoFeB] interface when it is deposited” (Opp., 8-10) is misdirection. While EX2013 explains that MgO only “begins to crystallize” with (001) texture after the MgO is thick enough (5 monoatomic layers), that crystallization *necessarily extends* to the CoFeB interface because the “MgO(001) acts as a template to crystallize CoFeB.” EX2013, 87. That could not happen if MgO were amorphous at the CoFeB interface. WD thus has no response to the fact Nagahama and Inaba *contradict* Bokor’s opinion that a POSA would have expected MgO(001) to form on amorphous CoFeB. Mot., 6-7, 9-10.

B. Bokor Did Not Apply Any Scientific Principle or Method.

WD never refutes that Bokor never applied *any* scientific principle or method to reach his opinion that MgO(001) would form on amorphous CoFeB. Mot., 4, 10-12. Bokor admits he never considered the effect of using a CoFeB substrate rather than other materials. Mot, 10-11; *supra* §II.A. Bokor admits he did nothing but look at papers (like Tonouchi) that did not study MgO formation on amorphous CoFeB. Mot., 9-10. While Tonouchi contradicts the statement that MgO(001) would form at an interface “regardless of substrate selection,” WD never refutes that Bokor did not apply any scientific principle supporting his leap from Tonouchi’s unsupported statement to Bokor’s *ipse dixit* opinion that POSAs expected MgO(001) to form on amorphous CoFeB. Mot., 7-10; *supra* §II.A.

Bokor never explains why scientific principles explaining why MgO was expected to form with random texture on some amorphous substrates, but with (001) texture on others, did not contradict his opinion. Mot., 10-12. *Deutsch v. Novartis Pharms. Corp.*, 768 F. Supp. 2d 420, 474 (E.D.N.Y. 2011) (testimony must “address obvious alternative causes and provide a reasonable explanation for dismissing specific alternate factors”) (cleaned up). WD’s contention that Bokor “relied on Renault (EX1104)” to distinguish Aboelfotoh’s results (Opp., 10) based on a different factor (deposition rate) is misdirection because it does not explain Bokor’s failure to address the *scientific principle* (and the specific role of substrate material and deposition bonding energy) that Aboelfotoh explains determine whether MgO would form with random or (001) texture on amorphous CoFeB. Mot., 10-12.

C. Bokor Is Not Qualified To Testify.

It makes no difference what else Bokor has done (Opp., 5-6) because Bokor admits he has no relevant expertise on the disputed crystal growth issue. Mot., 12-13 (collecting admissions; “I’m no expert. I’m no crystal grower.”). WD never refutes that Bokor parroting others fails Rule 702(a). Mot., 13-15.

III. BOKOR’S TESTIMONY IS INADMISSIBLE.

Striking EX1105 ¶¶6-22 (Paper 30) would moot IPB’s Motion to Exclude. If that evidence is not struck, then (EX1105, ¶¶6, 8-11, 13-22) are inadmissible under Rule 702. Admitting that testimony would be legal error.

Respectfully submitted,
Godo Kaisha IP Bridge I

Date: January 9, 2026

By: /Adam R. Wichman/
Adam R. Wichman, Reg. No. 43,988
WOLF, GREENFIELD & SACKS, P.C.

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (e)(4)

I certify that on January 9, 2026, a copy of the foregoing document, including any exhibits filed therewith, is being served via electronic mail, as previously consented to by Petitioner, upon the following:

Michelle E. Armond	michelle.armond@armondwilson.com
Douglas R. Wilson	doug.wilson@armondwilson.com
Joseph Li	josepher.li@armondwilson.com
Monica Arnold	monica.arnold@armondwilson.com
Yue Han	amy.han@armondwilson.com
	ipr@armondwilson.com

Date: January 9, 2026

/Dara Del Rosario/
Dara Del Rosario
Paralegal
WOLF, GREENFIELD & SACKS, P.C.