

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD**

SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.

Petitioners,

v.

MAXELL, LTD.,
Patent Owner

Case: IPR2025-01307

U.S. Patent No. 11,026,088

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64(B)(1)**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“F.R.E.”), the undersigned counsel, on behalf of Patent Owner, hereby serves and submits the following objections to evidence submitted by Petitioner accompanying Petitioner’s Petition for *Inter Partes* Review. These objections are timely because they are filed within ten business days of institution of trial.

II. OBJECTIONS

A. Exhibits 1004, 1005, and 1009

Patent Owner objects to Exhibits 1004, 1005, and 1009 and any reference to or reliance on these exhibits, on the following grounds:

37 C.F.R. § 42.61 (Admissibility of evidence): These exhibit are not admissible under any applicable rule of the Patent Trial and Appeal Board.

F.R.E. 401/402 (Relevance): These exhibits and their references in the record are not relevant because they are not patents or printed publications under 35 U.S.C. § 311(b). “[I]n an *inter partes* review,” patents may be challenged “only on a ground that could be raised under section 102 or 103” and “only on the basis of prior art consisting of patents or printed publications.” 35 U.S.C. § 311(b). “The statutory phrase ‘printed publication’ has been interpreted to mean that before the critical date the reference must have been sufficiently accessible to the public interested in the

Patent No. 11,026,088
Patent Owner's Objections to Evidence

art[.]” *Constant v. Advanced Micro-Devices, Inc.*, 848 F.2d 1560, 1568 (Fed. Cir. 1988).

For example, these exhibits were not publicly accessible until after the '088 Patent's critical date. Patent Owner files and preserves these objections in light of the pending *certiorari* petition in *Lynk Labs, Inc. v. Samsung Electronics Co., Ltd. et al.*, No. 25-308 (U.S. Sept. 12, 2025).

F.R.E. 403 (Excluding evidence for prejudice, confusion, waste of time, or for other reasons): These exhibits include information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

III. CONCLUSION

For at least the foregoing reasons, Patent Owner objects to Exhibits 1004, 1005, and 1009.

Dated: January 26, 2026

Respectfully submitted,

/Robert G Pluta Reg No 50970 /
Robert G. Pluta (Reg. No. 50,970)
Amanda S. Bonner (Reg. No. 65,224)
MAYER BROWN LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: (312) 701-8641
Fax: (312) 706-8144
rpluta@mayerbrown.com

Saqib J. Siddiqui (Reg. No. 68,626)
MAYER BROWN LLP
1999 K Street NW
Washington, D.C., 20006
ssiddiqui@mayerbrown.com

Counsel for Maxell, Ltd.

CERTIFICATE OF SERVICE

I hereby certify that on this 19th day of November, 2024, a copy of the attached PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1), was served by electronic mail to the attorneys of record, at the following addresses:

James Heintz
Jim.Heintz@us.dlapiper.com

Nicholas Panno
Nicholas.panno@us.dlapiper.com

Respectfully submitted,

Date: January 26, 2026

By: /Robert G Pluta Reg No 50970/
Robert G. Pluta (Reg. No. 50,970)

Counsel for Maxell, Ltd.