

Filed on behalf of Intellectual Ventures  
By: George E. Quillin  
Paul S. Hunter  
FOLEY & LARDNER LLP  
3000 K Street, N.W., Suite 600  
Washington, D.C. 20007  
Tel: (202) 672-5300  
Fax: (202) 672-5399  
gquillin@foley.com

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UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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XILINX, INC.  
Petitioner

v.

INTELLECTUAL VENTURES I LLC  
Patent Owner

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Case IPR2013-00112  
Patent 5,779,334

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**PATENT OWNER'S SECOND OBJECTION TO EVIDENCE**

### **PATENT OWNER'S SECOND OBJECTION TO EVIDENCE**

In accordance with Bd. R. 42.64, patent owner objects to Exhibits 1011 and 1012, the declarations of Dr. Buckman, because his testimony does not satisfy Fed. R. Evid. 702 relating to expert witnesses or Fed. R. Evid. 701 relating to opinion testimony by lay witnesses. For example, Dr. Buckman lacks expertise in the relevant field and his testimony does not measure up to the standards set by *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993) and *Kumho Tire Co. v. Carmichael*, 526 U.S. 137 (1999), and their progeny.

Dr. Buckman does not possess special skill, knowledge, or experience concerning the particular issue before the Board. *See, e.g., Shreve v. Sears, Roebuck & Co.*, 166 F. Supp.2d 378, 392 (D. Md. 2001) (“an expert who is a mechanical engineer is not necessarily qualified to testify as an expert on any issue within the vast field of mechanical engineering.”). The *Shreve* court excluded the testimony of a mechanical engineering expert on the ground that he had no professional experience relating to the devices which were at issue in that case. *See also Oglesby v. General Motors Corp.*, 190 F.3d 244 (4<sup>th</sup> Cir. 1999) (testimony by mechanical engineer excluded because the engineer lacked specialized knowledge about the subject of his testimony).

Dr. Buckman has no special skill, knowledge, or experience regarding the video projector systems that are at issue in this proceeding. He has not designed any such systems, he has not published about such systems, and he has not consulted for manufacturers of such systems. He belongs to no professional society focused on video projector technology. Prior to this proceeding and the related IPR2013-00029 concerning the parent of U.S. Patent No. 5,779,334, Dr. Buckman had never testified about video projector systems or such systems using liquid crystal materials.

IPR2013-00112  
Patent Owner's Second Objection to Evidence

Exhibits 1011 and 1012 were served on Monday, October 21, 2013. This objection is being timely served within five business days of the service of those exhibits.

Respectfully submitted,

/George E. Quillin/  
George E. Quillin  
Registration No. 32,792  
Counsel for Patent Owner

Foley & Lardner LLP  
3000 K Street, N.W.  
Suite 600  
Washington, D.C. 20007  
202-672-5300 (Phone)  
202-672-53299 (Fax)

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PATENT OWNER'S SECOND OBJECTION TO EVIDENCE is being served on counsel of record on October 28, 2013, by filing this document through the Patent Review Processing System as well as delivering a copy via commercial overnight courier directed to the counsel of record for the Petitioner at the following address:

David L. McCombs, Esq.  
Haynes and Boone, LLP  
2323 Victory Avenue, Suite 700  
Dallas, TX 75219

Dated: October 28, 2013

Respectfully submitted,

/George E. Quillin/  
George E. Quillin  
Registration No. 32,792  
Counsel for Patent Owner