

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC.
Petitioner

v.

INTELLECTUAL VENTURES I LLC
Patent Owner

Case IPR2013-00112
Patent 5,779,334

PATENT OWNER INTELLECTUAL VENTURES' MOTION TO EXCLUDE
TESTIMONY OF A. BRUCE BUCKMAN, Ph.D.

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I. INTRODUCTION

Petitioner Xilinx, Inc.’s proffered expert, A. Bruce Buckman, Ph.D., lacks the “knowledge, skill, experience, training, or education” to offer opinions about the pertinent art, namely, video projection and, more specifically, liquid crystal, displays. Fed. R. Evid. 702; *see* 37 C.F.R. § 42.62 (applying Federal Rules of Evidence to IPR proceedings).

Because Dr. Buckman’s opinions are unreliable and would not help the Board “understand the evidence or to determine a fact in issue,” Fed. R. Evid. 702, patent owner Intellectual Ventures I LLC moves pursuant to 37 C.F.R. § 42.64(c) to exclude Dr. Buckman’s opinions in Exhibits 1005, 1011, and 1012.

II. PROCEDURAL HISTORY

On January 15, 2013, Xilinx filed its petition for *inter partes* review in this proceeding. (Paper 2.) In support, Xilinx relied on Dr. Buckman’s declaration (Ex. 1005). (*See generally* Paper 2.)

On June 27, 2013, the Board issued its Decision to institute *inter partes* review. (Paper 14.)

On July 9, 2013, pursuant to 37 C.F.R. § 42.64(b)(1), patent owner Intellectual Ventures I LLC timely served and filed objections to Exhibit 1005 under, among other things, Federal Rule of Evidence 702 because “Dr. Buckman

lacks expertise in the relevant field and his testimony does not measure up to the standards set by *Daubert . . . Kumho Tire . . .* and their progeny.” (Paper 17 at 1.)

On October 21, 2013, Xilinx filed its Opposition to Motion to Amend the Claims (Paper 31), and a supporting “Declaration of A. Bruce Buckman, Ph.D. Under 37 C.F.R. § 1.68 Directed to the Proposed Substitute Claims” (Exhibit 1011). Paper 31 relies extensively on the Buckman Declaration (Exhibit 1011). (See Paper 31 at 7, 10-13.)

On October 21, 2013, Xilinx also filed its Reply Brief in Support of Petition for *Inter Partes* Review (Paper 30), and a Buckman Declaration directed to Petitioner’s Reply (Exhibit 1012). Paper 30 relies extensively on the Buckman Declaration (Exhibit 1012). (See Paper 30 at 2, 4-7, 9.)

On October 28, 2013, pursuant to 37 C.F.R. § 42.64(b)(1), patent owner timely served and filed objections to Exhibits 1011 and 1012 under *Daubert*. (Paper 32.).

Now, pursuant to 37 C.F.R. § 42.64(c), patent owner moves to exclude Dr. Buckman’s opinions in Exhibits 1005, 1011, and 1012.

III. DR. BUCKMAN’S OPINIONS SHOULD BE EXCLUDED.

A. Dr. Buckman Is Not Qualified To Offer Expert Testimony.

Xilinx recently asserted that Dr. Buckman’s “experience in electrical engineering and his specialization in optics *relate directly* to the subject matter” at

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