

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WEBASTO ROOF SYSTEMS, INC.,  
Petitioner,

v.

UUSI, LLC,  
Patent Owner.

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Case IPR2014-00648  
Patent 8,217,612

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**PETITIONER'S MOTION TO EXCLUDE THE OPINION TESTIMONY  
OF DR. MARK EHSANI AND INADMISSIBLE EXHIBITS**

Attorney Docket: 130163.231151

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Petitioner moves to exclude paragraphs 6, 41, 46, 54, 66–68, 77–81, 88–89, 91–98, 100–04, 110–11, 114–16, 118–27, 129–31, 137–39, 145, 148, 150–56, 159, 162–63, 165, and 169–83 of the Declaration of Dr. Mark Ehsani in Support of Patent Owner’s Response (Ex. 2001).<sup>1</sup> This opinion testimony should be excluded under Federal Rule of Evidence 702 for three principal reasons. First, Dr. Ehsani applied the wrong legal standard in reaching his opinions, incorrectly presuming that the challenged claims were valid. Second, Dr. Ehsani did not apply reliable principles and methods in reaching his opinions. For example, he analyzed the preferred embodiment and did not determine whether the claims could be interpreted to cover more than this embodiment. Third, Dr. Ehsani resisted answering basic questions, acting as an advocate rather than an expert required to reliably apply reliable principles and methods to the issues in this proceeding.

Petitioner also moves to exclude Patent Owner’s exhibits that have not been referenced in Patent Owner’s arguments—Exhibits 2009–10, 2012–13, 2017, 2022, and 2036—because such unexplained evidence should not be permitted to clutter the record in this proceeding and any potential appeal. Moreover, Exhibit 2008 should be excluded because it is inadmissible hearsay offered by a third party

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<sup>1</sup> Petitioner has filed very similar motions in IPR2014-00648, -00649, and -00650.

The main substantive difference among the motions is the identification of the paragraphs and exhibits which Petitioner moves to exclude.

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