

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION, SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG DISPLAY CO., LTD.

Petitioners,

v.

SURPASS TECH INNOVATION LLC

Patent Owner.

Case IPR2015-00863
Patent No. 7,202,843 B2

**PETITIONERS' OBJECTIONS TO PATENT OWNER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners submit the following objections to the evidence served by Patent Owner on December 16, 2015 as Supplemental Evidence.

Petitioners object to Exhibit 2026, Transcript for the Deposition of Michael J. Marentic conducted on October 6, 2015, in IPR2015-00021, as improper supplemental evidence under 37 C.F.R. § 42.64(b)(2). Supplemental evidence must be relevant to an objection made by an opposing party under 37 C.F.R. § 42.64(b)(1). Exhibit 2026 consists of 165 pages of cross examination testimony of an expert witness in another, unrelated proceeding, IPR2015-00021. Patent Owner draws no connection between any of this testimony, much less the entire 165 pages, and any of the objections to admissibility made by Petitioners to the evidence submitted with Patent Owner's Response.

Petitioners further object to Exhibit 2026 under Fed. R. Evid. 802 as Mr. Marentic's testimony is inadmissible hearsay. Mr. Marentic did not testify on direct (through a declaration) at the current trial, i.e., IPR2015-00863, but instead testified at an unrelated trial, IPR2015-00021, and was cross examined at a deposition in that unrelated trial. Petitioners in this trial are not parties in IPR2015-00021, were not present at the deposition of Mr. Marentic, and did not have the opportunity to question Mr. Marentic. Although Patent Owner has not identified how it is relying on Mr. Marentic's deposition testimony, it appears that Mr. Marentic's deposition testimony is being offered by Patent Owner to prove the truth of the matter asserted therein.

Petitioners also object to Exhibit 2026 under Fed. R. Evid. 402. Patent Owner has neither identified the specific parts of the exhibit upon which it relies, nor the specific purpose for which it relies on the exhibit. Thus, Patent Owner has not established how Exhibit 2026 is relevant to its arguments, or even to this proceeding.

Dated: December 22, 2015

/Michelle Carniaux/
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on December 22, 2015, the foregoing Petitioners' Objections to Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) is being served via electronic mail upon the following counsel of record for Patent Owner:

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