

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG DISPLAY CO., LTD.
Petitioner

v.

SURPASS TECH INNOVATION LLC
Patent Owner

Case: IPR2015-00885

Patent 7,202,843

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

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), the undersigned counsel, on behalf of Petitioner, hereby serves and submits the following objections to evidence submitted by Patent Owner accompanying Patent Owner Surpass Tech Innovation LLC’s Preliminary Response, filed and served on June 26, 2015. These objections are timely because they are filed within ten business days of the institution decision. *See* Paper 9.

II. OBJECTIONS

A. Exhibit 2001

Petitioner objects to Exhibit 2001, and any reference to or reliance on such exhibit, for the following grounds:

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

F.R.E. 401/402 (Relevance): This exhibit is not relevant to any ground upon which trial was instituted. For example, this exhibit has no bearing on whether the challenged claims are patentable under 35 U.S.C. § 102, the ground of institution in this proceeding.

F.R.E. 403 (Excluding evidence for prejudice, confusion, waste of time, or other reasons): This exhibit includes 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.

F.R.E. 801/802/805 (hearsay): This exhibit includes inadmissible hearsay and/or double hearsay with no applicable exceptions.

F.R.E. 901 (authentication): This exhibit is inadmissible because Patent Owner has not submitted sufficient evidence to support that the exhibit is what Patent Owner claims it is.

B. Exhibit 2002-2003

Petitioner objects to Exhibits 2002-2003, and any reference to or reliance on such exhibits, for the following grounds:

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

F.R.E. 401/402 (Relevance): These exhibits are not relevant to any ground upon which trial was instituted. For example, these exhibits have no bearing on whether the challenged claims are patentable under 35 U.S.C. § 102, the ground of institution in this proceeding.

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

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danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

III. CONCLUSION

For at least the foregoing reasons, Petitioner objects to Exhibits 2001-2003.

Dated: September 22, 2015

Respectfully submitted,

/Robert G Pluta Reg No 50970/

Robert G. Pluta

Registration No. 50,970

William J. Barrow

Registration No. 62,813

Amanda K. Streff

Registration No. 65,224

Jamie B. Beaber (**motion for pro hac
vice admission to be filed**)

CERTIFICATE OF SERVICE

I hereby certify that on September 22, 2015, a copy of the attached
Petitioner's objections to evidence under 37 C.F.R. § 42.64(b)(1) has been served
by electronic mail to the attorneys of record in this proceeding:

Wayne M. Helge (Reg. No. 56,905)
Donald L. Jackson (Reg. No. 41,090)
Michael R. Casey (Reg. No. 40,294)
Davidson Berquist Jackson & Gowdey L.L.P.
8300 Greensboro Drive, Suite 500
McLean, VA 22102
Telephone: 571-765-7700
Fax: 571-765-7200
Email: whelge@dbjg.com
Email: djackson@dbjg.com
Email: mcasey@dbjg.com

Date: September 22, 2015

Respectfully submitted,

By:/Robert G Pluta Reg No 50970/

Robert G. Pluta
Registration No. 50,970
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: 312-701-8641
Facsimile: 312-701-7711

Counsel for LG Display Co., Ltd.