

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SURPASS TECH INNOVATION LLC
Patent Owner

Case No. IPR2015-00887
U.S. Patent No. 7,420,550

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

Pursuant to 37.C.F.R. § 42.64 and the Federal Rules of Evidence (“FRE”), as applied by the Board, Petitioners Samsung Electronics Co., Ltd., Samsung Display Co., Ltd., and Sony Corporation (“Petitioners”) submit the following objections to evidence served by Patent Owner Surpass Tech Innovation LLC (“Surpass”) with Patent Owner Surpass Tech Innovation LLC’s Response Under 37 C.F.R. § 42.120 (“Patent Owner’s Response”). No evidentiary exhibits bearing exhibit numbers 2017-2022 were served with the Patent Owner’s Response, and no declarations of fact witnesses or expert witnesses were served with the Patent Owner’s Response. These objections are timely filed within five (5) business days from the service date of Patent Owner’s Response.

Petitioners reserve the right to present further objections to these or additional Exhibits submitted by Surpass, as allowed by the applicable rules or other authority.

Exhibit 2004 – October 28, 2015 Deposition of Thomas Credelle in IPR2015-00863 Case

The Credelle deposition testimony from Exhibit 2004 cited in Patent Owner’s Response is inadmissible for at least the following reasons, including under the Federal Rules of Evidence (“FRE”):

Petitioners object to Exhibit 2004 as inadmissible hearsay under FRE 801 and FRE 802. Mr. Credelle did not testify on direct (through a declaration) at the current trial, i.e., IPR2015-00887, but instead testified at an unrelated trial,

IPR2015-00863, and was cross-examined at a deposition in that unrelated trial. The cited testimony from pages 31:20-32:6 of Exhibit 2004 is an out-of-court statement. None of the hearsay exceptions of FRE 803 or 804 apply to the cited testimony. Furthermore, Petitioners object to the cited Credelle deposition testimony as lacking probative value in connection with the issues raised in this trial, and is thus inadmissible under FRE 403.

Petitioners further object to the cited Credelle testimony as lacking personal knowledge in connection with the particular testimony cited, and thus is inadmissible under FRE 602. The cited testimony is not based on U.S. Patent No. 7,420,550 or any of the references cited in the March 16, 2015 Petition (Paper No. 1).

**Exhibit 2005 – October 30, 2015 Deposition of Tsu-Jae King Liu, Ph.D.
in IPR2015-00887 Case**

The alleged evidence presented in Exhibit 2005 is inadmissible for at least the following reasons, including under the FRE:

Petitioners object to the use of any deposition testimony of Dr. Liu to the extent objected to on the record by counsel during the deposition for the reasons stated therein. Petitioners further object specifically to Exhibit A to the deposition of Dr. Liu under FRE 402 and 403 as irrelevant and misleading. The exhibit is irrelevant in light of Dr. Liu's testimony at pages 8:5-13:17 of Exhibit 2005 establishing that the symbol appearing on the exhibit is not a commonly used

symbol with a commonly understood meaning and therefore its meaning depends on the context in which it is used. Patent Owner has not established its meaning in the context of the '550 Patent. The exhibit is also misleading because the label appearing on the exhibit, "Resistor Circuit Symbol," was affixed on the drawing before a circle was drawn, and therefore does not identify the symbol appearing on the exhibit.

Exhibit 2006 – November 11, 2015 Deposition of Michael J. Marentic in IPR2015-00913 Case

The alleged evidence presented in Exhibit 2006 is inadmissible for at least the following reasons, including under the FRE:

Petitioners object to Exhibit 2006 as inadmissible hearsay under FRE 801 and FRE 802. Mr. Marentic did not testify on direct (through a declaration) at the current trial, i.e., IPR2015-00887, but instead testified at a different trial, IPR2015-00913, and was cross-examined at a deposition in that different trial. Petitioners in the instant trial are not parties in IPR2015-0913, were not present at the deposition of Mr. Marentic, and did not have the opportunity to cross-examine Mr. Marentic. The cited Marentic testimony is an out-of-court statement. None of the hearsay exceptions of FRE 803 or 804 apply to the cited testimony. Furthermore, Petitioners object to the cited Marentic deposition testimony as lacking probative value in connection with the issues raised in this trial, and is thus inadmissible under FRE 403.

Exhibit 2007 – November 13, 2015 Deposition of Richard Zech, Ph.D. in IPR2015-00885 Case

The alleged evidence presented in Exhibit 2007 is inadmissible for at least the following reasons, including under the FRE:

Petitioners object to Exhibit 2007 as inadmissible hearsay under FRE 801 and FRE 802. Dr. Zech did not testify on direct (through a declaration) at the current trial, i.e., IPR2015-00887, but instead testified at an unrelated trial, IPR2015-00885, and was cross-examined at a deposition in that unrelated trial. Petitioners in the instant trial are not parties in IPR2015-0885, were not present at the deposition of Dr. Zech, and did not have the opportunity to cross-examine Dr. Zech. The cited Zech testimony is an out-of-court statement. None of the hearsay exceptions of FRE 803 or 804 apply to the cited testimony. Furthermore, Petitioners object to the cited Zech deposition testimony as lacking probative value in connection with the issues raised in this trial, and is thus inadmissible under FRE 403.

Exhibit 2008 – U.S. Patent No. 3,528,350 to Schmitt

The alleged evidence presented in Exhibit 2008 is inadmissible for at least the following reasons, including under the FRE:

Petitioners object to Exhibit 2008 being inadmissible under FRE 402 as lacking relevancy. Patent Owner did not file a fact witness declaration or an expert

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