

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 SUPPLEMENTAL
EVIDENCE UNDER 37 C.F.R. § 42.64(b)(2)**

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 supplemental evidence served by Patent Owner Surpass Tech Innovation LLC (“Surpass”) with Patent Owner Surpass Tech Innovation LLC’s Notice of Supplemental Evidence Under 37 C.F.R. § 42.64(b)(2), dated December 16, 2015. These objections are timely filed within five (5) business days from the service date of Patent Owner’s Notice of Supplemental Evidence.

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 2025 – December 15, 2015 Declaration of William K. Bohannon

Petitioners object to Exhibit 2025, the Declaration of William K. Bohannon dated December 15, 2015, 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 2025 consists of three pages of testimony from a purported expert witness regarding a previously submitted exhibit. Patent Owner draws no connection between any of the purported expert testimony, and any of the objections to admissibility made by Petitioners to the evidence submitted with Patent Owner’s Response.

Petitioners further object to Exhibit 2025 under FRE 702, 703, and 402. Surpass has not established that Mr. Bohannon is an expert in the technical field relevant to U.S. Patent No. 7,420,550 (“the ’550 patent”), or has credentials that at least satisfy the proposed standard of a person of ordinary skill in the art (of the ’550 patent), i.e., at least an undergraduate degree in electrical engineering (or related field), at least one (1) year of education or training in semiconductor devices and integrated circuit design, and at least two (2) years of experience with active-matrix liquid crystal display (“AMLCD”) technology, including work on a project that included the eventual fabrication and testing of an AMLCD. Because Surpass has not established that Mr. Bohannon is qualified as an expert by knowledge, skill, experience, training or education, under FRE 702 and 703, his testimony will not help a trier of fact to understand the evidence or to determine a fact in issue. Accordingly, the opinions expressed by Mr. Bohannon are not relevant. For the foregoing reasons, Petitioners object to Exhibit 2025 under FRE 402 as lacking relevancy.

Mr. Bohannon’s Declaration is further irrelevant because Patent Owner never offered any “opinion” evidence as to Exhibit 2023 in the Patent Owner Response filed November 24, 2015. Because that response presented no opinion regarding Exhibit 2023 (but only attorney argument), Mr. Bohannon’s currently

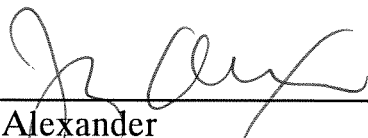
proffered opinion—that an expert would rely on Exhibit 2023 to form an opinion—cannot be relevant to this proceeding.

Petitioners further object to Exhibit 2025 as being inadmissible under FRE 403 as lacking probative value. Mr. Bohannon’s Declaration attempts to show that a person of ordinary skill in the art would have relied upon Exhibit 2023 when forming an opinion regarding schematic symbols. *See* Ex. 2025, ¶¶9-10. Mr. Bohannon’s Declaration fails to address, however, the FRE 403, 801, 802, 901, and 1003 objections set forth in Petitioners’ Objections To Patent Owner’s Evidence Under 37 C.F.R. § 42.64(b)(1) (Paper No. 17) regarding Exhibit 2023. Notably, Mr. Bohannon’s Declaration does not address the fact that the provided pages of Exhibit 2023 do not show any representative symbols for a liquid crystal pixel as used in Janssen ’708 (Exhibit 1004).

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Date: December 23, 2015

December 23, 2015

Respectfully submitted,

By 
Jay I. Alexander
Registration No.: 32,678
Andrea G. Reister
Registration No.: 36,253
Gregory S. Discher
Registration No.: 42,488
COVINGTON & BURLING LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001
(202) 662-6000

Michelle Carniaux
Registration No.: 36,098
John Flock
Registration No.: 39,670
Walter Hanley
Registration No.: 28,720
KENYON & KENYON LLP
One Broadway
New York, NY 10004
(212) 425-7200
Attorneys for Petitioners

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