

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VALEO NORTH AMERICA, INC., VALEO S.A., VALEO GMBH,
VALEO SCHALTER UND SENSOREN GMBH, AND CONNAUGHT
ELECTRONICS LTD.,
Petitioners

v.

MAGNA ELECTRONICS INC.,
Patent Owner

Case IPR2015-01410¹
Patent 8,643,724

**PATENT OWNER MAGNA ELECTRONICS INC.'S OBJECTIONS TO
EVIDENCE**

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Alexandria, VA 22313-1450

¹ Case IPR2015-01414 has been consolidated with this proceeding.

Patent Owner Magna Electronics, Inc. (“Magna”) objects under the Federal Rules of Evidence (“FRE”) and 37 C.F.R. § 42.62 (2012) to Exhibits 1009, 1016, 1019, 1020, 1022, and 1024–1044. A decision for Institution of *Inter Partes* Review was entered on December 28, 2015. Magna’s Objections to Evidence are timely under 37 C.F.R. § 42.64(b)(1) (2012)². Magna files and serves Petitioners Valeo North America, Inc., *et al.* (“Valeo”) with these objections to provide notice that Magna may move to exclude Exhibits 1009, 1016, 1019, 1020, 1022, and 1024–1044 under 37 C.F.R. § 42.64(c) (2012) unless Valeo cures the defects identified herein.

Exhibit 1009: Wang

Magna objects to Exhibit 1009 as not properly authenticated under FRE 901 because Valeo has not presented any evidence that the document is what Valeo purports it to be, and has failed to authenticate the date by which Exhibit 1009 was publicly accessible as a printed publication. The document is also not self-authenticating under FRE 902.

To the extent that Valeo relies on dates in Exhibit 1009 to establish public accessibility as a printed publication, that date is hearsay under FRE 801 and is inadmissible under FRE 802.

² January 1, 2016 was a holiday.

Because of the above deficiencies of Exhibit 1009, Valeo has failed to establish that Exhibit 1009 is a prior art printed publication under 35 U.S.C. § 102(b) (2013), and Exhibit 1009 is therefore not relevant under FRE 401 and is inadmissible under FRE 402.

Exhibit 1016: SAE Paper No. 871288 to Otsuka

Magna objects to Exhibit 1016 as not properly authenticated under FRE 901 because Valeo has not presented any evidence that the document is what Valeo purports it to be, and has failed to authenticate the date by which Exhibit 1016 was publicly accessible as a printed publication. The document is also not self-authenticating under FRE 902.

To the extent that Valeo relies on dates in Exhibit 1016 to establish public accessibility as a printed publication, that date is hearsay under FRE 801 and is inadmissible under FRE 802.

Because of the above deficiencies of Exhibit 1016, Valeo has failed to establish that Exhibit 1016 is a prior art printed publication under 35 U.S.C. § 102(b), and Exhibit 1016 is therefore not relevant under FRE 401 and is inadmissible under FRE 402.

Exhibit 1019: SAE Paper No. 890288 to Goesch

Magna objects to Exhibit 1019 as not properly authenticated under FRE 901 because Valeo has not presented any evidence that the document is what Valeo

purports it to be, and has failed to authenticate the date by which Exhibit 1019 was publicly accessible as a printed publication. The document is also not self-authenticating under FRE 902.

To the extent that Valeo relies on dates in Exhibit 1019 to establish public accessibility as a printed publication, that date is hearsay under FRE 801 and is inadmissible under FRE 802.

Because of the above deficiencies of Exhibit 1019, Valeo has failed to establish that Exhibit 1019 is a prior art printed publication under 35 U.S.C. § 102(b), and Exhibit 1019 is therefore not relevant under FRE 401 and is inadmissible under FRE 402.

Exhibit 1020: Expert Declaration of Dr. George Wolberg

To the extent that Valeo is attempting to rely on statements in ¶¶ 84 and 85 of Exhibit 1020 as proof of the publication of Wang (Ex. 1020, Wolberg Decl., ¶¶ 84, 85), such statements are objected to as inadmissible hearsay under FRE 801 and FRE 802 that do not fall under any exception.

To the extent that Valeo is attempting to rely on statements in ¶¶ 29–35, 37, and 38 of Exhibit 1020 that discuss other exhibits as proof of the state of the art at the time of the invention (Ex. 1020, ¶¶ 29–35, 37, 38), such statements are objected to as not relevant under FRE 401 and inadmissible under FRE 402 for at least the reason that those other exhibits are inadmissible as discussed herein.

Exhibit 1022: Expert Declaration of Dr. Ralph Wilhelm

To the extent that Valeo is attempting to rely on statements in ¶¶ 22, and 23–27 of Exhibit 1022 that discuss other exhibits as proof of the state of the art at the time of the invention (Ex. 1022, Wilhelm Decl., ¶¶ 22, 23-27), such statements are objected to as not relevant under FRE 401 and inadmissible under FRE 402 for at least the reason that those other exhibits are inadmissible as discussed herein.

Exhibit 1024: Robert Nathan, Digital Video Data Handling

Magna objects to Exhibit 1024 as not properly authenticated under FRE 901 because Valeo has not presented any evidence that the document is what Valeo purports it to be, and has failed to authenticate the date by which Exhibit 1024 was publicly accessible as a printed publication. The document is also not self-authenticating under FRE 902.

To the extent that Valeo is attempting to rely on statements in Exhibit 1024 as proof of the state of the art at the time of the invention, to include any dates to establish public accessibility as a printed publication, such statements are objected to as inadmissible hearsay under FRE 801 and FRE 802 that do not fall under any exception.

Exhibit 1025: P. Burt et al., A Multiresolution Spline with Application to Image Mosaics, ACM Transactions on Graphics

To the extent that Valeo is attempting to rely on statements in Exhibit 1025 as proof of the state of the art at the time of the invention, to include any dates to

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