

Paper No. _____
Filed: April 26, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

ELBRUS INTERNATIONAL LIMITED
Patent Owner

Case IPR2015-01524
Patent No. 6,366,130

Petitioner's Objections to Patent Owner's Exhibits

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to exhibits submitted by Patent Owner, Elbrus International Limited. Petitioner's objections apply equally to Patent Owner's reliance on these exhibits in any subsequently-filed documents. These objections are timely, having been filed and served within five business days from when the Patent Owner's Response and Exhibits were served on Petitioner.

Exhibit 2002

Petitioner objects to Exhibit 2002 under Rules 401-403 of the Federal Rules of Evidence on the ground that Patent Owner has not established that it is relevant to what one of ordinary skill in the art would have understood at the time of the alleged invention of U.S. Patent No. 6,366,130, especially given that it was allegedly published in 2001.

In addition, Petitioner also objects to Exhibit 2002 under Rule 802 of the Federal Rules of Evidence on the ground of hearsay.

Exhibit 2004

Petitioner objects to Exhibit 2004 to the extent it relies on Exhibits 2002 and 2005-2009 on at least the same grounds as those listed for Exhibits 2002 and 2005-2009. For instance, Petitioner objects to paragraphs 34, 58, 59, and 91 of Exhibit 2004 under Rules 401-403 of the Federal Rules of Evidence on the ground that these paragraphs lack relevance as to what one of ordinary skill in the art would

have understood at the time of the alleged invention of U.S. Patent No. 6,366,130 (“’130 patent”), especially given that these paragraphs contain declaration testimony relying on references that are not contemporaneous with the ’130 patent.

Petitioner also objects to paragraphs 34, 58, 59, and 91 of Exhibit 2004 under Rule 802 of the Federal Rules of Evidence as containing declaration testimony relying on out-of-court statements for the truth of the matters asserted.

Exhibit 2005

Petitioner objects to Exhibit 2005 under Rules 401-403 of the Federal Rules of Evidence on the ground that Patent Owner has not established that it is relevant to what one of ordinary skill in the art would have understood at the time of the alleged invention of U.S. Patent No. 6,366,130, especially given that it was allegedly published in 2013.

Petitioner also objects to Exhibit 2005 under Rule 802 of the Federal Rules of Evidence on the ground of hearsay.

Exhibit 2006

Petitioner objects to Exhibit 2006 under Rules 401-403 of the Federal Rules of Evidence on the ground that Patent Owner has not established that it is relevant to what one of ordinary skill in the art would have understood at the time of the alleged invention of U.S. Patent No. 6,366,130, especially given that it was allegedly published in 1984.

Petitioner also objects to Exhibit 2006 under Rule 802 of the Federal Rules of Evidence on the ground of hearsay.

Exhibit 2007

Petitioner objects to Exhibit 2007 under Rules 401-403 of the Federal Rules of Evidence on the ground that Patent Owner has not established that it is relevant to what one of ordinary skill in the art would have understood at the time of the alleged invention of U.S. Patent No. 6,366,130, especially given that it was allegedly published in 2005.

Petitioner also objects to Exhibit 2007 under Rule 802 of the Federal Rules of Evidence on the ground of hearsay.

Exhibit 2008

Petitioner objects to Exhibit 2008 under Rules 401-403 of the Federal Rules of Evidence on the ground that it lacks relevance because Patent Owner never relied on this exhibit in its Patent Owner's Response.

Patent Owner has also failed to establish that it is relevant to what one of ordinary skill in the art would have understood at the time of the alleged invention of U.S. Patent No. 6,366,130, especially given that it was allegedly published in 1991.

In addition, Petitioner objects to Exhibit 2008 under Rule 802 of the Federal Rules of Evidence on the ground of hearsay.

Exhibit 2009

Petitioner objects to Exhibit 2009 under Rules 401-403 of the Federal Rules of Evidence on the ground that it lacks relevance. Patent Owner has not established that it is relevant to what one of ordinary skill in the art would have understood at the time of the alleged invention of U.S. Patent No. 6,366,130, especially given that it was allegedly published in 2016. Furthermore, Patent Owner never relied on this exhibit in its Patent Owner's Response.

Petitioner also objects to Exhibit 2009 under Rule 802 of the Federal Rules of Evidence on the ground of hearsay.

Petitioner also objects to Exhibit 2009 under Rules 901 and 902 of the Federal Rules of Evidence as not having been properly authenticated.

Respectfully submitted,

Dated: April 26, 2016

By: /Steven L. Park/
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