

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.;

MICRON TECHNOLOGY, INC.; and

SK HYNIX INC.

PETITIONERS

V.

ELM 3DS INNOVATIONS, LLC

PATENT OWNER

CASE IPR2016-00387

PATENT No. 8,841,778

PATENT OWNER'S OBJECTIONS TO PETITIONERS' EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner hereby submits the following objections to the evidence Petitioners filed with their Petition for *Inter Partes* Review dated December 28, 2015. Patent Owner's objections apply equally to Petitioners' reliance on this Exhibit in any subsequently-filed documents in this proceeding. These objections are being filed within ten business days of the Board's decision to institute a trial in this proceeding.

Exhibit 1002

Patent Owner objects to Exhibit 1002 under Rules 701 and 702 of the Federal Rules of Evidence to the extent that Dr. Paul D. Franzon's knowledge, skill experience, training, and education do not support his qualifications as an expert regarding the subject matter upon which he opines. Dr. Franzon's testimony constitutes scientific, technical, and specialized knowledge within the scope of Rule 702. Such testimony, therefore, constitutes opinion testimony by a lay witness that is prohibited by Rule 701.

Further, to the extent that Dr. Franzon qualifies as an expert witness, the testimony is not based on sufficient facts or data nor is it a product of reliable principles and methods. Additionally, Dr. Franzon failed to reliably apply the principles and methods he describes to the facts of the case. Thus, to the extent it qualifies as expert testimony, Rule 702 prohibits the testimony.

Respectfully submitted,

Dated: July 15, 2016

ROBINS KAPLAN LLP

By: /s/Cyrus A. Morton
Cyrus A. Morton (Reg. No. 44,954)
Attorney for Patent Owner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on July 15, 2016, the foregoing
PATENT OWNER'S OBJECTIONS TO PETITIONERS' EVIDENCE was
served electronically via email in its entirety on the following counsel of record for
the Petitioners:

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