

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.;
MICRON TECHNOLOGY, INC.; and
SK HYNIX INC.
Petitioner

v.

ELM 3DS INNOVATIONS, LLC
Patent Owner

Case No. IPR2016-00387
U.S. Patent No. 8,841,778

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner hereby submits the following objections to the evidence Patent Owner filed with its Patent Owner Preliminary Response dated April 5, 2016. Petitioner's objections apply equally to Patent Owner's reliance on these Exhibits 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 2100

Petitioner objects to Exhibit 2100 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2100 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2100 is irrelevant and has no bearing on the instituted trial.

Exhibit 2101

Petitioner objects to Exhibit 2101 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2101 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2101 is irrelevant and has no bearing on the instituted trial.

Exhibit 2102

Petitioner objects to Exhibit 2102 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2102 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2102 is irrelevant and has no bearing on the instituted trial.

Exhibit 2103

Petitioner objects to Exhibit 2103 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2103 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2103 is irrelevant and has no bearing on the instituted trial.

Exhibit 2104

Petitioner objects to Exhibit 2104 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2104 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2104 is irrelevant and has no bearing on

the instituted trial.

Exhibit 2105

Petitioner objects to Exhibit 2105 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2105 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2105 is irrelevant and has no bearing on the instituted trial.

Exhibit 2106

Petitioner objects to Exhibit 2106 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2106 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2106 is irrelevant and has no bearing on the instituted trial. In addition, this Exhibit lacks foundation (Rule 602 of the Federal Rules of Evidence) and authentication (Rule 901 of the Federal Rules of Evidence) and constitutes impermissible hearsay (Rule 802 of the Federal Rules of Evidence).

Exhibit 2107

Petitioner objects to Exhibit 2107 under Rules 401-403 of the Federal Rules

of Evidence to the extent that Exhibit 2107 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2107 is irrelevant and has no bearing on the instituted trial.

Exhibit 2108

Petitioner objects to Exhibit 2108 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2108 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2108 is irrelevant and has no bearing on the instituted trial.

Exhibit 2109

Petitioner objects to Exhibit 2109 under Rules 401-403 of the Federal Rules of Evidence to the extent that Exhibit 2109 is irrelevant to trial in this matter given that the Board has finally rejected Patent Owner's arguments premised on this Exhibit. Patent Owner has no further mechanism to challenge the timeliness of the Petition in this matter, and as such Exhibit 2109 is irrelevant and has no bearing on the instituted trial. In addition, this Exhibit lacks foundation (Rule 602 of the Federal Rules of Evidence) and authentication (Rule 901 of the Federal Rules of

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