

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANON INC.; CANON USA, INC.;
CANON FINANCIAL SERVICES, INC.; FUJIFILM CORPORATION;
FUJIFILM HOLDINGS AMERICA CORPORATION;
FUJIFILM NORTH AMERICA CORPORATION; JVC KENWOOD
CORPORATION; JVCKENWOOD USA CORPORATION;
NIKON CORPORATION; NIKON INC.; OLYMPUS CORPORATION;
OLYMPUS AMERICA INC.; PANASONIC CORPORATION;
PANASONIC CORPORATION OF NORTH AMERICA;
SAMSUNG ELECTRONICS CO., LTD. AND
SAMSUNG ELECTRONICS AMERICA, INC.
Petitioners,

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner.

Case IPR2016-01213
Patent 8,504,746

**PAPST LICENSING GMBH & CO. KG'S
OBJECTION TO EVIDENCE**

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Pursuant to 37 CFR § 42.64(b)(1), the Patent Owner Papst Licensing GmbH & Co. KG (“Papst”) hereby submits the following objections to the admissibility of evidence the Petitioners served on June 15, 2017.

1. Papst objects to the admissibility of Exhibit 1413 as untimely. Office Trial Practice Guide, Section II(I), 77 Fed. Reg. at 48767; 37 CFR 42.23(b). Exhibit 1413, “Second Declaration of Dr. Paul F. Reynolds,” is a supplemental declaration of expert Dr. Reynolds that includes newly presented evidence that has been relied upon in Petitioners’ Reply (Paper 23) that raises new issues that could have been presented in the original Corrected Petition (Paper 6) and in Dr. Reynolds’s original declaration (Ex. 1403). For example, Dr. Reynolds provides new opinions regarding the purported knowledge of a POSITA and obviousness, including completely new theories relating to the function and operation of SCC 20 of Yamamoto (Ex. 1413 at ¶¶ 3-7, 9), the processing and routing of image data through the various circuit components of Yamamoto (*id.* at ¶8), the capabilities of processors as of the priority date of the Tasler patents (*id.* at ¶10), and the disclosure of Yamamoto 2 (*id.* at ¶11).

2. Papst objects to Petitioners’ Reply (Paper 23) to the extent it relies on Exhibit 1413 and the newly presented evidence therein, and to the extent it relies on new arguments that could have been presented in the

original Corrected Petition (Paper 6). Office Trial Practice Guide, Section II(I), 77 Fed. Reg. at 48767; 37 CFR 42.23(b).

Respectfully submitted,

FITCH EVEN TABIN & FLANNERY LLP

Dated: June 22, 2017 By:

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CERTIFICATE OF SERVICE

The undersigned certifies in accordance with 37 C.F.R. § 42.6(e) that on June 22, 2017, a copy of the foregoing **PAPST LICENSING GMBH & CO. KG'S OBJECTION TO EVIDENCE** was made via email on the Petitioners at PapstPTABPetitioners@Jonesday.com.

Dated: June 22, 2017

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