

Filed on behalf of: Nichia Corp.

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.,
Petitioner,
v.
NICHIA CORP.,
Patent Owner.

Case IPR2018-00437
Patent 9,537,071

**PATENT OWNER'S OBJECTIONS TO EVIDENCE FILED
WITH PETITIONER'S REPLY TO PATENT OWNER'S RESPONSE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Nichia Corp. (“Patent Owner”) hereby files the following objections to evidence filed in support of Petitioner Vizio, Inc.’s (“Petitioner”) Reply to Patent Owner’s Response. Pursuant to 37 C.F.R. § 42.62, Patent Owner’s objections below apply the Federal Rules of Evidence (“FRE”) and the Office Trial Practice Guide, 77 Fed. Reg. 48,756-73 (Aug. 14, 2012).

Patent Owner’s objections and the basis for each objection are below.

Evidence Submitted by Petitioner	Patent Owner's Objections
<p>Ex. 1017 Declaration of Dr. Stanley R. Shanfield in Support of Petitioner's Reply and Opposition to Patent Owner's Contingent Motion to Amend Claims</p>	<p>Fed. R. Evid. 701/702/703 (Inadmissible as unreliable and improper opinion and expert testimony): Declarant's testimony is not reliable, and any opinion and/or expert testimony of Declarant based thereon is not based on sufficient facts or data; has not applied reliable principles and methods; and/or has not reliably applied such principles and methods to the facts of the case. In addition, Declarant is not qualified as an expert, and lacks the knowledge, skill, experience, training, or education to testify as an expert in a manner that is helpful to the Board.</p> <p>Fed. R. Evid. 401/402/403 (Inadmissible as irrelevant, unfairly prejudicial, tending to confuse the issues, and a waste of time): The exhibit is irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402. Declarant is not qualified as an expert. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time.</p>

Evidence Submitted by Petitioner	Patent Owner's Objections
<p>Ex. 1028 <i>Nichia Corp. v. VIZIO, Inc.</i>, No. 2:16-cv-246-JRG, (E.D. Tex.), Plaintiff Nichia Corporation's Submissions Pursuant to Local Patent Rules 3-1 and 3-2, dated October 20, 2016</p>	<p>Fed. R. Evid. 401/402/403 (Inadmissible as irrelevant, unfairly prejudicial, tending to confuse the issues, and a waste of time): The exhibit is irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time.</p>
<p>Ex. 1036 IPR2017-01623, Exhibit 2727; Hirofumi Ichikawa's Laboratory Notebook (public version of IPR2017-01623, Exhibit 2350)</p>	<p>Fed. R. Evid. 401/402/403 (Inadmissible as irrelevant, unfairly prejudicial, tending to confuse the issues, and a waste of time): The exhibit is irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time.</p>
<p>Ex. 1037 IPR2017-01623, Exhibit 2748; Second Declaration of Daisuke Yagi</p>	<p>Fed. R. Evid. 401/402/403 (Inadmissible as irrelevant, unfairly prejudicial, tending to confuse the issues, and a waste of time): The exhibit is irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time.</p>

Evidence Submitted by Petitioner	Patent Owner's Objections
<p>Ex. 1038 IPR2017-01623, Exhibit 2407; Patent Drawings</p>	<p>Fed. R. Evid. 401/402/403 (Inadmissible as irrelevant, unfairly prejudicial, tending to confuse the issues, and a waste of time): The exhibit is irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time.</p>
<p>Ex. 1039 IEEE Standard Glossary of Computer Hardware Terminology, IEEE Std 610.10-1994, October 12, 1995</p>	<p>Fed. R. Evid. 802 (Inadmissible as improper hearsay): The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>Fed. R. Evid. 401/402/403 (Inadmissible as irrelevant, unfairly prejudicial, tending to confuse the issues, and a waste of time): The exhibit is irrelevant under Fed. R. Evid. 401 and thus inadmissible under Fed. R. Evid. 402. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time.</p>

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