

Filed: June 3, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC.,

PETITIONER,

v.

BELL NORTHERN RESEARCH, LLC,

PATENT OWNER.

Case No. IPR2020-00108

U.S. Patent No. 8,416,862

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S
PRE-INSTITUTION EVIDENCE**

In accordance with 37 C.F.R. § 42.64(b)(1), Patent Owner Bell Northern Research, LLC submits the following objections to Petitioner's pre-institution evidence served in Case No. IPR2020-00108. Patent Owner's objections apply equally to Petitioner's reliance on the evidence in any subsequently-filed documents. These objections are timely, having been served within ten business days after institution of trial (*see* Paper 14).

I. EXHIBITS 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, AND 1034

Patent Owner objects to Exhibits 1015, 1016, 1017, 1018, 1019, 1020, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1029, 1030, 1031, 1032, 1033, and 1034 under FRE 802 because Patent Owner and Petitioner's contentions, briefing, and transcripts in the parallel district court litigation are statements not made in the current proceeding and offered for their truth, constituting impermissible hearsay, and do not fall under any exceptions specified in the Federal Rules of Evidence.

Patent Owner also objects to these exhibits under FRE 402 and 403 because they are irrelevant, prejudicial, confusing, and misleading. In particular, infringement contentions, claim construction briefing, and summary judgment briefing on Section 112 issues have no relevance to the issues before the Board in the current proceedings.

II. EXHIBIT 1021

Patent Owner objects to Exhibit 1021 under FRE 701–702 and 401–403 because Exhibit 1021 goes beyond proper expert testimony regarding interpretation of certain MARC records and other bibliographic records and improperly includes speculation on the actions of the University of Pittsburgh library that are not matters of expert testimony (to qualify under 702) and not within the declarant’s personal knowledge (to qualify under 701). For the same reasons, the testimony lacks foundation and constitutes undue prejudice to BNR.

III. EXHIBIT 1003 AND PETITIONER’S PETITION FOR *INTER PARTES* REVIEW

Patent Owner also objects to any paragraphs in Dr. Wells’ Declaration (Exhibit 1003) or the Petition (Paper 2) to the extent they rely on the aforementioned exhibits.

Dated: June 3, 2020

Respectfully Submitted,

/Steven W. Hartsell/

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Back-Up Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing Patent Owner's Objections to Petitioner's Pre-Institution Evidence, by electronic means on June 3, 2020 at the following addresses of record:

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Dated: June 3, 2020

Respectfully Submitted,

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