

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Motherson Innovations Co., Ltd.,
Petitioner,

v.

Magna Mirrors of America, Inc.,
Patent Owner.

Case IPR2020-00777
Patent No. 10,261,648

Patent Owner's Objections to Evidence Submitted with Petition

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Magna Mirrors of America, Inc. (“Magna”) objects under the Federal Rules of Evidence (FRE) to the admissibility of Exhibits 1002, 1006, 1008, 1011, and 1013–1015 (the “Challenged Evidence”) filed by Petitioner Motherson Innovations Co., Ltd. (“Motherson”) on March 31, 2020, with Motherson’s Petition for *Inter Partes* Review (“Petition”) of U.S. Patent No. 10,261,648 (the “‘648 Patent”). Magna’s Objections are filed within ten business days of the date of issuance of the Institution of *Inter Partes* Review; therefore, Magna’s Objections to Evidence are timely under 37 C.F.R. § 42.64(b)(1). Magna files these Objections to provide notice to Motherson that Magna may move to exclude the Challenged Evidence under § 42.64(c), unless cured by Motherson.

II. IDENTIFICATION OF CHALLENGED EVIDENCE AND GROUNDS FOR OBJECTIONS

Magna objects to Exhibits 1002, 1006, 1008, 1011, and 1013–1015, and any reference to or reliance on this Challenged Evidence, under the Federal Rules of Evidence (FRE) as described below.

A. Exhibit 1002 (“Expert Declaration of David R. McLellan”) is objected to on the following grounds:

FRE 401–403: Test for Relevant Evidence; General Admissibility of Relevant Evidence; & Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons. Any discussion of U.S. Patent No. 6,672,731 to

Schnell et al. (“Schnell”), e.g., in paragraphs 69–71, 91, and 239, is objected to as irrelevant and/or prejudicial, confusing, and/or a waste of time, because Schnell is not relied upon in the Petition as a ground for unpatentability.

FRE 703 & 705: Bases of an Expert’s Opinion Testimony & Disclosing the Facts or Data Underlying an Expert’s Opinion. The discussion of “yaw” and “roll” in paragraph 116 is objected to for being inconsistent with Exhibit 1009 and the construction of “yaw” and “roll” in paragraphs 50 and 51. The opinions that “substantially vertical” and “substantially horizontal” encompass between 85 and 90 degrees, as described in paragraphs 122 and 126, are objected to for failing to provide any basis for these opinions. The opinion that “[m]any exterior rearview mirrors prior to 2009 had outer perimeter edges that were rounded,” as described in paragraph 143, is objected to for failing to provide any basis for this opinion. The opinion that “Tsuyama describes an exterior rearview mirror assembly,” as described in paragraphs 222–224, is objected to for being inconsistent with the description of exterior rearview mirrors in paragraphs 38–43.

B. Exhibit 1006 (“U.S. Patent No. 6,672,731 to Schnell”) is objected to on the following grounds:

FRE 401–403: Test for Relevant Evidence; General Admissibility of Relevant Evidence; & Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons. Exhibit 1006 is objected to as irrelevant and/or

prejudicial, confusing, and/or a waste of time, because Schnell is not relied upon in the Petition as a ground for unpatentability.

C. Exhibit 1008 (“Curriculum vitae of David R. McLellan”) is objected to on the following grounds:

FRE 401–403: Test for Relevant Evidence; General Admissibility of Relevant Evidence; & Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons. Exhibit 1008 is objected to as irrelevant and/or prejudicial, confusing, and/or a waste of time, because Exhibit 1008 is not cited in the Petition.

D. Exhibit 1011 (“Bracket_(architecture), Wikipedia, [https://en.wikipedia.org/wiki/Bracket_\(architecture\)](https://en.wikipedia.org/wiki/Bracket_(architecture))”) is objected to on the following grounds:

FRE 401–403: Test for Relevant Evidence; General Admissibility of Relevant Evidence; & Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons. Exhibit 1011 is objected to as irrelevant and/or prejudicial, confusing, and/or a waste of time, because Exhibit 1011 describes a “bracket” in the context of architecture, which is outside the field of the present *Inter Partes* Review and the scope of the ‘648 Patent.

E. Exhibit 1013 (“Attach, dictionary.com, <https://www.dictionary.com/browse/attach?s=t>”) is objected to on the following grounds:

FRE 401–403: Test for Relevant Evidence; General Admissibility of Relevant Evidence; & Excluding Relevant Evidence for Prejudice, Confusion,

Waste of Time, or Other Reasons. Exhibit 1013 is objected to as irrelevant and/or prejudicial, confusing, and/or a waste of time, because (i) Exhibit 1013 is not cited in the Petition and (ii) Exhibit 1013 provides a definition for the verb “attach,” rather than the adjective “attached,” as recited in the claims of the ‘648 Patent.

F. Exhibit 1014 (“Fixed, dictionary.com, <https://www.dictionary.com/browse/fixed>”) is objected to on the following grounds:

FRE 401–403: Test for Relevant Evidence; General Admissibility of Relevant Evidence; & Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons. Exhibit 1014 is objected to as irrelevant and/or prejudicial, confusing, and/or a waste of time, because (i) Exhibit 1014 is not cited in the Petition and (ii) Exhibit 1014 provides a definition for the adjective “fixed,” rather than the adverb “fixedly,” as recited in the claims of the ‘648 Patent.

G. Exhibit 1015 (“Non-, dictionary.com, <https://www.dictionary.com/browse/non?s=t>”) is objected to on the following grounds:

FRE 401–403: Test for Relevant Evidence; General Admissibility of Relevant Evidence; & Excluding Relevant Evidence for Prejudice, Confusion, Waste of Time, or Other Reasons. Exhibit 1015 is objected to as irrelevant and/or prejudicial, confusing, and/or a waste of time, because Exhibit 1015 is not cited in the Petition.

III. CONCLUSION

For at least the foregoing reasons, Magna objects to Exhibits 1002, 1006, 1008, 1011, and 1013–1015.

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