

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLIED MATERIALS, INC.,  
Petitioner,

v.

DEMARAY LLC,  
Patent Owner.

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Case IPR2021-00104  
Patent 7,381,657 B2

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**PETITIONER'S OBJECTIONS TO  
PATENT OWNER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to exhibits served by Patent Owner on September 1, 2021.<sup>1</sup> Petitioner's objections apply equally to Patent Owner's reliance on the exhibits in any subsequently-filed documents. These objections are timely, having been served within five business days of service of evidence to which the objections are directed. 37 C.F.R. § 42.64(b)(1).

**Exhibits 2009, 2012-2015, 2019, 2020, and 2024-2027**

Petitioner objects to Exhibits 2009, 2012-2015, 2019, 2020, and 2024-2027 under Rule 401 of the Federal Rules of Evidence (FRE) for lack of relevance, under FRE 901 and 902 for lack of authentication, and under FRE 801 and 802 to the extent that Patent Owner relies on out-of-court statements described in those exhibits for their truth, constituting impermissible hearsay.

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<sup>1</sup> Petitioner reserves the right to seek leave from the Board to strike arguments in the Patent Owner Response and any subsequent briefs incorporated by reference from the exhibits that are objected to herein and any other exhibits.

**Exhibits 2009, 2012-2015, 2019, 2020, 2023, and 2027**

Petitioner objects to Exhibits 2009, 2012-2015, 2019, 2020, 2023, and 2027 under FRE 106 for being incomplete and includes only a select portion of a larger document that in fairness should be considered along with this document, and under FRE 1001-1003 for including, e.g., handwritings and/or markings, some of which are illegible and/or to the extent tampered with and/or added/modified at unknown time(s) by unknown person(s).

**Exhibits 2019 and 2020**

Petitioner objects to Exhibits 2019 and 2020 under FRE 701 to the extent they offer improper lay witness opinion testimony and under FRE 602 to the extent the witnesses provides testimony on factual issues beyond their personal knowledge.

**Exhibit 2023**

Petitioner objects to Exhibit 2023 for failing to comply with 37 CFR § 42.63(b) that requires a translation of the document into English and an affidavit attesting to the accuracy of the translation.

**Exhibit 2009**

Petitioner objects to Exhibit 2009 under FRE 702 for including improper testimony by a purported expert witness and to the extent the witness provides improper legal opinion and under FRE 602 to the extent the witness provides testimony on factual issues beyond his personal knowledge.

**Exhibits 2009, 2019, and 2020**

Petitioner objects to Exhibits 2009, 2019, and 2020 to the extent they rely on other exhibits that are objected to herein and based on those same reasons provided for these other exhibits, and under 37 CFR § 42.24 to the extent they are used to circumvent the word count limits of the Patent Owner Response and any subsequent briefs.

Respectfully submitted,

Dated: September 9, 2021

By: /Joseph E. Palys/  
Joseph E. Palys (Reg. No. 46,508)  
Counsel for Petitioner Applied

**CERTIFICATE OF SERVICE**

I hereby certify that on September 9, 2021, a copy of the foregoing Petitioner's Objections to Patent Owner's Exhibits was served by electronic means upon the following:

hzhong@irell.com  
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Dated: September 9, 2021

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