UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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GOOGLE LLC,

Petitioner,

v.

NEONODE SMARTPHONE LLC,

Patent Owner.

U.S. Patent No. 8,095,879

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Case No. IPR2021-01041

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PETITIONER'S OBJECTIONS TO PATENT OWNER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Google LLC submits the

following objections to certain exhibits filed by Patent Owner Neonode

Smartphone LLC ("Neonode") on April 21, 2022, with Patent Owner's Response.

Petitioner's objections apply equally to Patent Owner's reliance on these exhibits

in any subsequently-filed documents, and Petitioner's objections to a particular

exhibit apply to any other exhibits relying upon the objected-to exhibit. These

objections are timely, having been filed within five business days of service of

evidence to which the objection is directed. 37 C.F.R. § 42.64(b)(1). Petitioner

objects to the following exhibits:

OBJECTED TO EXHIBITS	
2019	Second Declaration of Craig Rosenberg, Ph.D. [Rosenberg-2nd-Decl.]
2020	N2 Advertisement Video (uploaded Oct. 18, 2007) (available at https://www.youtube.com/watch?v=Hq3S8Crxf2s) [N2-Advertisement-Video]
2022	Apple Developer, Human Interface Guidelines, Gestures [Gestures]
2023	Bryan M. Wolfe and Rene Ritchie, *iPhone 12 and iPhone 12 Pro Tricks: 17 ways to do more, faster!*, iMore, Oct. 23, 2020 [iMore-Website]
2024	Conrad H. Blickenstorfer, *Neonode N2, A New Version Of The Phone That Pioneered Touchscreens*, Pen Computing Magazine, Nov. 4, 2007 [Pen-Computing-Magazine-N2-Phone-Review]

OBJECTED TO EXHIBITS	
2025	Android Developer, Test Android apps for cars [Test-Android-apps-for-cars]
2026	Android Developer, Ice Cream Sandwich [Ice-Cream-Sandwich]
2027	Android Developer, Scroller [Scroller]
2028	Android Developer, Navigation [Navigation]
2029	Apple Developer, Human Interface Guidelines, Terminology [Terminology]
2031	Bill Hennessy, *The Neonode N2*, Trend Hunter, Aug. 18, 2008 [Trend-Hunter-Article]
2032	Trend Hunter, About page [Trend-Hunter-About]
2033	Neonode N1m First Impression [tnkgrl-Media-post]
2034	Tnkgrl About Page [tnkgrl-Media-About]
2035	*Hunting The iPhone Killer; Swedish Neonode Generates Buzz For Device*, RCR Wireless, Apr. 7, 2007 [iPhone-Killer]
2036	Wikipedia, *iPhone* [Wikipedia-iPhone-Release-Dates]
2037	Wikipedia, *Android (operating system)* [Wikipedia-Android-Operating-System]
2038	Neonode the only original, Sep. 13, 2007 (available at https://www.youtube.com/watch?v=D9N3H1rSxHk) [User-Video]
2039	Jurek Breuninger PhD Dissertation, Nov. 13, 2019 [PhD-Dissertation]

OBJECTED TO EXHIBITS	
2040	Andreas Hollatz Dissertation, Oct. 2015 [Hollatz-Dissertation]
2041	Neonode N1m review, Jun. 29, 2007 (available at https://www.youtube.com/watch?v=Tj-KS2kfIr0) [Neonode N1m video-review]
2042	Timothy B. Lee, *If Android Is A "Stolen Product," Then So Was The Iphone*, Ars Technica, Feb. 23, 2012 [Ars-Technica-Article]
2043	User Online Comments of Neonode N2 Overview [Neonode-Comments-2]
2044	User Online Comments of Neonode N2 instructions film [Neonode-Comments-1]
2045	User Online Comments of Neonode N2 unbox and review video [Neonode-Comments-3]
2046	Euro Dollar Exchange Rate (EUR USD) - Historical Chart (available at https://www.macrotrends.net/2548/euro-dollar-exchange-rate-historical-chart) [Euro-Dollar-Exchange-Rate]
2047	US Inflation Calculator (available at https://www.usinflationcalculator.com/) [Inflation-Calculator]
2048	Smartphone Shipments Declined in the Fourth Quarter But 2021 Was Still a Growth Year with a 5.7% Increase in Shipments, According to IDC, Jan. 27, 2021 (available at https://www.idc.com/getdoc.jsp?containerId=prUS48830822) [Smartphone-Shipments]
2054	Second Declaration of Ulf Martensson [Martensson-Decl.]
2055	Refiled Declaration of Per Bystedt [Bystedt-Decl.]

OBJECTED TO EXHIBITS	
2056	Refiled Declaration of Marcus Backlund [Backlund-Decl.]

I. Second Declaration of Craig Rosenberg (Exhibit 2019)

Petitioner objects to Second Declaration of Craig Rosenberg under Federal Rules of Evidence ("FRE") 801 because the statements contained within are based on other otherwise objectionable exhibits that constitute inadmissible hearsay and do not fall within a hearsay exception under FRE 802 or FRE 803. For example, Dr. Rosenberg's Declaration relies on the otherwise inadmissible hearsay evidence, including Exs. 2020, 2022-2029, 2031-2040, 2054-2056, in numerous places.

Petitioner further objects to Second Declaration of Craig Rosenberg under FRE 702 because the statements within are not based on scientific, technical, or other specialized knowledge. Dr. Rosenberg's Declaration relies on inadmissible hearsay statements, including Exs. 2020, 2022-2029, 2031-2040, 2054-2056, in numerous places.

II. N2 Advertisement Video (Exhibit 2020)

Petitioner objects to the N2 Advertisement Video under FRE 901. Patent Owner failed to provide authentication for the date when the video was created or uploaded. Patent Owner has not offered testimony of one with personal knowledge of the creation of the video, its source, or its availability.

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