

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLIED MATERIALS, INC.

Petitioner,

v.

OCEAN SEMICONDUCTOR LLC,

Patent Owner.

Case IPR: IPR2021-01342
U.S. Patent No. 6,968,248

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

Pursuant to 37 C.F.R. § 42.64, Petitioner Applied Materials, Inc. (“Petitioner”) asserts the following objections to evidence served with Patent Owner’s Sur-Reply (Paper 38) submitted on September 9, 2022 by Ocean Semiconductor LLC (“Ocean” or “Patent Owner”), within five (5) business days as provided in 37 C.F.R. § 42.64(b)(1). The Federal Rules of Evidence apply to these proceedings under 37 C.F.R. § 42.62(a), which form the bases for these objections. *See* CTPG at 8.

Petitioner objects to Exhibit 2044, the uncertified rough draft of the deposition of Dr. Stanley Shanfield,¹ on the grounds that it contains transcription errors and is misleading, incomplete, and prejudicial under Fed. R. Evid. 403, as well as lacking authentication under Fed. R. Evid. 901, and exceeds the scope permitted by 37 C.F.R. § 42.23(b). *See also* Cal. Code Civ. Proc. § 2025.540(b) (“When prepared as a rough draft transcript, the transcript of the deposition may not be certified and may not be used, cited, or transcribed as the certified transcript of the deposition proceedings”). Ocean completed the deposition on the agreed date of August 29, 2022, which allowed sufficient time to order and receive the

¹ The notation in the uncertified rough draft that counsel agreed to waive certification, *see* Ex. 2044 at 4:4-8, is incorrect, and the court reporter has been notified of the error.

final certified transcript to be attached as an exhibit to the sur-reply.² Accordingly, Petitioner further objects to any untimely supplementation or substitution of Exhibit 2044 by Ocean after the sur-reply deadline of September 9, 2022.

Dated: September 13, 2022

Respectfully submitted,

/Eric A. Krause/

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² The original sur-reply deadline was September 7, 2022. *See* Paper 18 at 12 (Due Date 3).

CERTIFICATION OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above-captioned Petitioner's
Objections to Patent Owner's Evidence Pursuant to 37 C.F.R. § 42.64(b)(1) was
served on September 13, 2022 upon the following Parties via email:

Timothy Devlin (Lead Counsel)
Alex Chan (Backup Counsel)
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Dated: September 13, 2022

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