

Paper No. ____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.

Petitioner

v.

MEMORYWEB, LLC

Patent Owner

Patent No. 10,423,658

Inter Partes Review No. IPR2022-00221

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner hereby submits objections to evidence served by Petitioner on February 14, 2023, in support of its Reply (Paper 22). The discussion below identifies the evidence Patent Owner objects to and summarizes the objections, including the Federal Rules of Evidence (“FRE”) or other rules that form the basis for the objections.

1. Ex. 1045 - “Transcript of the Deposition of Dr. Glenn Reinman dated November 16, 2022”

Patent Owner objects to the following portions of Ex. 1045 cited in Petitioner’s Reply:

Page(s) / Line(s)	Objection(s)
30:19-32:3	Vague and ambiguous, mischaracterizes evidence, outside the scope of direct testimony. Petitioner asked Dr. Reinman “based on experience and knowledge of how graphical user interfaces work, wouldn’t it be logical that a ‘Sort By’ drop-down list box that contains various criteria for sorting displayed items would present the user with the ability to change the way that those items are arranged or displayed.” Ex. 1045 at 30:19-32:3. The question was vague and ambiguous at least as to what the terms/phrases “logical,” “a ‘Sort By’ drop-down list box,” “various criteria for sorting displayed items,” and “present the

Page(s) / Line(s)	Objection(s)
	<p>user with the ability to change the way that those items are arranged or displayed” referred to. <i>See</i> Fed. R. Evid. 611(a) and 403. Petitioner failed to lay foundation as to what these phrases referred to. In the preceding questioning, Petitioner asked Dr. Reinman about FIG. 32 of the ‘228 patent. To the extent that the questioning at 30:19-32:3 referred to FIG. 32 (which was unclear), the questioning mischaracterized the ‘228 patent. <i>See</i> Fed. R. Evid. 611(a) and 403. This questioning was also outside the scope of Dr. Reinman’s direct testimony because it did not have a sufficient underlying basis in a statement made by Dr. Reinman in his declaration. <i>See</i> Fed. R. Evid. 611(b); 37 C.F.R. § 42.53(d)(5)(ii). The question called for an answer regarding the portions of the ’228 patent that Dr. Reinman did not discuss or opine on, thus, exceeding the scope of any statement or opinion in Dr. Reinman’s declaration.</p>
26:23-27:17	<p>Outside the scope of direct testimony. Petitioner asked Dr. Reinman about “[w]hat happens in figure – the People view of figure 32 when the user selects the ‘Sort By’ criteria of ‘Newest to Oldest’ labeled as element 1402” and whether “the display of</p>

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	<p>photographs in figure 32 will or may change according to the ‘Sort By’ criterion that is elected by the user.” Ex. 1045, 26:23-27:7. This questioning was outside the scope of Dr. Reinman’s direct testimony because it did not have a sufficient underlying basis in a statement made by Dr. Reinman in his declaration. <i>See</i> Fed. R. Evid. 611(b); 37 C.F.R. § 42.53(d)(5)(ii). The question called for an answer regarding the portions of the ’228 patent that Dr. Reinman did not discuss or opine, thus, exceeding the scope of any statement or opinion in Dr. Reinman’s declaration.</p>
52:3-23	<p>Vague and ambiguous, mischaracterizes the evidence, incomplete hypothetical, outside the scope of direct testimony. Dr. Reinman was asked “[i]n the situation where a user selects the People view of figure 32 as a first action and then, as a second action, selects the search criteria, there may be still another action that’s required to implement or invoke that search criteria causing some subset of photographs that meet the criteria to appear in the display.” Ex. 1045 at 52:3-23. This question was vague and ambiguous at least with respect to the</p>

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	<p>phrases “a user selects the People view of figure 32 as a first action,” “as a second action, selects the search criteria,” and “there may be still another action that’s required to implement or invoke that search criteria causing some subset of photographs that meet the criteria to appear in the display.” <i>See</i> Fed. R. Evid. 611(a) and 403. The questioning also mischaracterized the ‘228 patent. <i>Id.</i> This questioning was outside the scope of Dr. Reinman’s direct testimony because it did not have a sufficient underlying basis in a statement made by Dr. Reinman in his declaration. <i>See</i> Fed. R. Evid. 611(b); 37 C.F.R. § 42.53(d)(5)(ii). The question called for an answer regarding the portions of the ’228 patent that Dr. Reinman did not discuss or opine on, thus, exceeding the scope of any statement or opinion in Dr. Reinman’s declaration.</p>
55:6-56:1	<p>Vague and ambiguous, compound, incomplete hypothetical, mischaracterizes the evidence, outside the scope of direct testimony. Dr. Reinman was asked “[i]f the system of the ‘228 patent were designed so that selection of a ‘Sort By’ criteria did not by itself cause a re-sorting or reorganization of the</p>

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