

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and APPLE INC.,
Petitioners

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner

Case IPR2022-01248
Patent 8,842,653

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

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner Smart Mobile Technologies LLC hereby objects to the following documents submitted by Petitioners Samsung Electronics Co., LTD., and Samsung Electronics America, Inc.

Nothing in this paper should be construed as an admission that any rights of Patent Owner would have been waived or forfeited had the paper or any objection herein not been filed, or that 37 C.F.R. § 42.64(b) applies to any of the objections herein if § 42.64(b) would not otherwise apply. The objections herein are premised upon § 42.64 potentially being determined to apply to the document in question, and are submitted solely to preserve the rights of Patent Owner should § 42.64(b) be determined to apply.

1. Exhibit 1002

Under FRE 106/1001, 35 U.S.C. § 312(a)(3) & (5), and 37 C.F.R. § 42.51(b)(1), this document is incomplete and is not a copy which accurately reproduces the original.

2. Exhibit 1003

Under FRE 602/701/801/802 and 37 C.F.R. § 42.61, this document includes testimony that is not shown to be based on first-hand knowledge including of how relied-upon data was generated, is based on speculation, and constitutes and contains inadmissible hearsay. Under FRE 401/402/403/702, this document

includes testimony not relevant to the instituted review, because, among other things, it has not been shown that the purportedly expert declarant is qualified to testify competently regarding the matters the opinions are said to address, or that the declarant's testimony is based on sufficient facts or data or arrived at by reliable principles, procedures, or methods reliably applied to the facts of this case, or that the declarant's opinion will assist the trier of fact to understand the evidence or to determine any fact in issue and does not have a greater potential to mislead than to enlighten. Under FRE 401/705 and 37 C.F.R. § 42.65, this document does not disclose underlying facts and data. Under FRE 401/705 and 37 C.F.R. § 42.65, this document includes testimony on patent law and practice.

3. Exhibits 1011 - 1014, 1021 - 1024, 1028, 1030 – 1033, 1039, 1048

Under FRE 106/1001, 35 U.S.C. § 312(a)(3) & (5), and 37 C.F.R. § 42.51(b)(1), these documents are incomplete and are not a copy which accurately reproduces the original. Under FRE 801/802, these documents constitute and contain inadmissible hearsay. Under FRE 401/402/403, these documents are inadmissible as irrelevant because, among other things, they do not form a basis of the instituted grounds, and their probative value is outweighed by other considerations including prejudice, confusion and waste of time. Under FRE 401/705 and 37 C.F.R. § 42.65, these documents do not disclose underlying facts and data. Under FRE 901, these documents are inadmissible because they have not

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the following documents were served by electronic service, by agreement between the parties, on the date signed below:

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

The names and address of the parties being served are as follows:

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Respectfully submitted,

/ William Katz /

Date: February 7, 2023