

Filed: February 7, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2022-01249
Patent 9,019,946

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, Patent Owner Smart Mobile Technologies, LLC hereby objects to the following documents submitted by Petitioner Apple Inc., 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 1003

Patent Owner objects to admissibility of at least paragraphs 63-261 of Dr. Jensen's declaration on the grounds that they conclusory, are based on improper assumptions about the facts and legal standards applicable in this IPR, are based on insufficient facts or data, are not the product of reliable principles and methods, reflect that Dr. Jensen has not reliably applied the stated principles and methods to the pertinent facts or data, do not disclose underlying facts or data in support of those opinions. Fed. R. Evid. 702-703. Further, it has not been shown that Dr. Jensen is qualified to testify competently regarding the matters his opinions are said to

address. This document further 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. Fed. R. Evid. 602, 802.

To the extent that Dr. Jensen relied on exhibits objected to below, the pertinent portions of his declaration and opinions predicated on those exhibits are further objectionable on the same bases as are the exhibits relied upon.

2. Exhibit 1011

This document constitutes inadmissible hearsay, and has not been established as authentic. Fed. R. Evid. 801-02, 901. Petitioner has not established that this document constitutes a patent or printed publication; for at least this reason, it is irrelevant and any hypothetical probative value is outweighed by the danger of unfair prejudice, confusing the issues, misleading the Board, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 U.S.C. § 311(b); Fed. R. Evid. 401, 403.

3. Exhibit 1012

This document constitutes inadmissible hearsay, and has not been established as authentic. Fed. R. Evid. 801-02, 901. Petitioner has not established that this document constitutes a patent or printed publication; for at least this reason, it is irrelevant and any hypothetical probative value is outweighed by the danger of unfair

prejudice, confusing the issues, misleading the Board, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 U.S.C. § 311(b); Fed. R. Evid. 401, 403.

4. Exhibit 1013

This document constitutes inadmissible hearsay, and has not been established as authentic. Fed. R. Evid. 801-02, 901. Petitioner has not established that this document constitutes a patent or printed publication; for at least this reason, it is irrelevant and any hypothetical probative value is outweighed by the danger of unfair prejudice, confusing the issues, misleading the Board, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 U.S.C. § 311(b); Fed. R. Evid. 401, 403.

5. Exhibit 1014

This document constitutes inadmissible hearsay, and has not been established as authentic. Fed. R. Evid. 801-02, 901. Petitioner has not established that this document constitutes a patent or printed publication; for at least this reason, it is irrelevant and any hypothetical probative value is outweighed by the danger of unfair prejudice, confusing the issues, misleading the Board, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 U.S.C. § 311(b); Fed. R. Evid. 401, 403.

6. Exhibit 1015

This document constitutes inadmissible hearsay, and has not been established as authentic. Fed. R. Evid. 801-02, 901. Petitioner has not established that this document constitutes a patent or printed publication; for at least this reason, it is irrelevant and any hypothetical probative value is outweighed by the danger of unfair prejudice, confusing the issues, misleading the Board, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 U.S.C. § 311(b); Fed. R. Evid. 401, 403.

7. Exhibit 1021

This document constitutes inadmissible hearsay, and has not been established as authentic. Fed. R. Evid. 801-02, 901. Petitioner has not established that this document constitutes a patent or printed publication; for at least this reason, it is irrelevant and any hypothetical probative value is outweighed by the danger of unfair prejudice, confusing the issues, misleading the Board, undue delay, wasting time, or needlessly presenting cumulative evidence. 35 U.S.C. § 311(b); Fed. R. Evid. 401, 403.

8. Exhibit 1022

This document constitutes inadmissible hearsay, and has not been established as authentic. Fed. R. Evid. 801-02, 901. Petitioner has not established that this document constitutes a patent or printed publication; for at least this reason, it is irrelevant and any hypothetical probative value is outweighed by the danger of unfair

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.