

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner

Case IPR2023-00701
U.S. Patent No. 8,510,407 B1

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

Patent Owner DoDots Licensing Solutions LLC (“DoDots”) hereby objects under the Federal Rules of Evidence (“F.R.E.”) to the admissibility of Exhibits 1003, 1005, and 1017, which the Petitioner filed with its Petition.

I. EXHIBIT 1003

Exhibit 1003 is the declaration of Petitioner’s expert Dr. Douglas C. Schmidt. DoDots objects to Exhibit 1003 under F.R.E. 403, 602, 702, 703, and 901 because Dr. Schmidt, in his declaration, admits to using the BRI standard when construing the challenged claims to opine on whether they are invalidated by the cited prior art. *See* Ex. 1003 at paragraph 26. The use of the incorrect claim

construction standard renders Dr. Schmidt's entire opinion unreliable and irrelevant. Moreover, Petitioner has not provided the proper foundation for the inclusion of Dr. Schmidt's declaration because they have failed to provide evidence from anyone with firsthand knowledge that Dr. Schmidt did not rely on and/or did not intend to rely on the BRI standard and simply made a typographical error.

II. EXHIBIT 1005

Exhibit 1005 is the Brown prior art patent that Petitioner relies on as its principal reference. DoDots objects to Exhibit 1005 (and any discussion of this exhibit in the Petitioner's petition and expert declaration of Dr. Schmidt) under F.R.E. 106 and 901 because the Petitioner has failed to provide and file a complete copy of the Brown patent specification. The Brown patent incorporates by reference the entirety of Scott Issacs's *Inside Dynamic HTML*, Microsoft Press, October 30, 1997. *See* Col. 13 at 10-13. Petitioner has, however, failed to provide a copy of this book to either the Board or the Patent Owner along with the petition. By failing to provide a copy of this book, the Petitioner and its expert are relying on an incomplete copy of the Brown patent in constructing and supporting many of their invalidity arguments.

III. EXHIBIT 1017

Exhibit 1017 is an article that purportedly appeared on CNET in February 1996. Petitioner and its expert rely on this exhibit as a prior art reference in support of several invalidity arguments. DoDots objects to Exhibit 1017 (and any discussion of this exhibit in the petition and Dr. Schmidt's declaration) under F.R.E. 901 and 703 because the Petitioner has failed to authenticate this article and provide any evidence that it is actually prior art. Accordingly, any reliance by the Petitioner or its expert on Exhibit 1017 is improper and unreliable.

Dated: November 7, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1) was served electronically via email on November 7, 2023, on the following counsel of record for Petitioner:

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