

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVX CORPORATION

Petitioner

v.

SAMSUNG ELECTRO-MECHANICS CO., LTD.

Patent Owner

Patent No. 9,326,381

Issue Date: April 26, 2016

Title: MULTILAYER CERAMIC CAPACITOR AND BOARD HAVING THE
SAME MOUNTED THEREON

Post-Grant Review No. PGR2017-00010

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner AVX Corporation

(“Petitioner”) submits the following objections to the evidence served by Patent Owner, Samsung Electro-Mechanics Co., Ltd. (“Patent Owner”), in conjunction with Patent Owner’s Response (paper 16). These objections are timely, having been served within five business days of the service of the Patent Owner Response (Paper 16). 37 C.F.R. § 42.64(b)(1).

Exhibit No.	Federal Rule(s) of Evidence	Objection
2008 – ¶¶1-5, 12-40, 52, 54-60, 62, 63, 65-97, 99, 102, 112-115, 119, 126-129, 133, 138-144, 157-158, 167-173, 175-179, 185, 187-197, 202-203	401-403	The identified paragraphs are irrelevant and therefore inadmissible under FRE 401-403 because they are not cited or relied upon anywhere in Patent Owner’s Response, and accordingly, they do not make any fact of consequence in this proceeding more or less probable than it would be without them. Further, including these non-cited paragraphs in the proceeding is prejudicial to Petitioner as it expands the record without any indication of relevance or how Patent Owner may rely on this testimony in the future.
2008 – ¶¶53, 126	802	Declarant is relying on impermissible hearsay within testimony.

2008 – Exs. C, D, E	802	Inadmissible hearsay, as the document appears to be relied upon by Patent Owner for the truth of the matter asserted (e.g., Ex. 2008 ¶53), and Petitioner has not had the opportunity to subject the declarant(s) to cross examination
2008 – Exs. G, H, I, J, K L, M	802	Inadmissible hearsay, as the document appears to be relied upon by Patent Owner for the truth of the matter asserted (e.g., Ex. 2008 ¶126), and Petitioner has not had the opportunity to subject the declarant(s) to cross examination
2008 – Ex. D	401-403, 901-902	This exhibit post-dates the priority date of the '381 patent, and is therefore irrelevant to the proceeding and more prejudicial than probative. Nor has the public availability of this exhibit been established. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. E	401-403, 901-902	The date and public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. F	401-403, 901-902	The date and public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. G	401-403, 901-902	The date, authorship, and public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.

2008 – Ex. H	401-403, 901-902	The date and public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. I	401-403, 901-902	The date and public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. J	401-403, 901-902	The date, authorship, and public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. K	401-403, 901-902	The date and public availability of this exhibit have not been established and the exhibit purports to be a “draft report.” It is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. L	401-403, 901-902	The authorship and public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.
2008 – Ex. M	401-403, 901-902	The public availability of this exhibit have not been established, and it is therefore irrelevant to the proceeding and more prejudicial than probative. This exhibit is also not self-authenticating and otherwise lacks authentication.

These objections provide notice to Patent Owner that Petitioner may move under 37 C.F.R. § 42.64(c) to exclude the above evidence or the cited portions thereof. Petitioner likewise objects to any testimony or argument purporting to rely on any of the above-objected-to evidence. Petitioner is available to meet-and-confer with Patent Owner to clarify/discuss any of the above objections should Patent Owner believe such discussions would be helpful to resolve Petitioner's objections.

Dated: October 6, 2017

By: /Michael R. Houston/

Reg. No. 58,486

Counsel for Petitioner

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