

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioners,

v.

CELLECT, LLC,

Patent Owner.

Case IPR2020-00512

U.S. Patent No. 9,186,052

PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED
WITH PATENT OWNER'S RESPONSE

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Petitioner Samsung Electronics Co., Ltd, and Samsung Electronics America, Inc. (“Petitioner”), hereby submits the following objections to Collect, LLC’s (“Patent Owner”) Exhibit 2088, and any reference thereto/reliance thereon, without limitation. Petitioner’s objections below apply the Federal Rules of Evidence (“F.R.E.”) as required by 37 C.F.R § 42.62. These objections address evidentiary deficiencies in the material submitted by Patent Owner with its Response on November 9, 2020.

I. Objections to Exhibit 2088

Grounds for objection: F.R.E. 702 (“Testimony by Expert Witnesses”); F.R.E. 703 (“Bases of an Expert’s Opinion Testimony); and 37 C.F.R. § 42.61 (“Admissibility”).

Petitioner objects to Exhibit 2088 under F.R.E. 702, 703, and 37 C.F.R. § 42.61. The declarant of Exhibit 2088, Dr. Michael Lebby, fails to provide sufficient underlying facts or data upon which the statements contained therein could legitimately be based, in violation of F.R.E. 702. Dr. Lebby also has not “reliably applied the principles and methods to the facts of the case,” and his opinions in Exhibit 2088 are not “the product of reliable principles and methods,” in violation of F.R.E. 702. Furthermore, there is no indication that Dr. Lebby based his opinions

on facts or data upon which an expert in the relevant field would reasonably rely in violation of F.R.E. 703.

Dated: November 16, 2020

Respectfully submitted,

By: /Scott A. McKeown/
Scott A. McKeown
Reg. No. 42,866
ROPES & GRAY LLP

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PETITIONER'S
OBJECTIONS TO EVIDENCE SUBMITTED WITH PATENT OWNER'S
RESPONSE was served in its entirety via e-mail to the following attorneys of record
for Patent Owner listed below:

Jonathan S. Caplan
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036
jcaplan@kramerlevin.com
KLCollectSamsung@KRAMERLEVIN.com

James Hannah
KRAMER LEVIN NAFTALIS & FRANKEL LLP
990 Marsh Road
Menlo Park, CA 94025
jhannah@kramerlevin.com

Jeffrey H. Price
KRAMER LEVIN NAFTALIS & FRANKEL LLP
1177 Avenue of the Americas
New York, NY 10036
jprice@kramerlevin.com

Counsel for Patent Owner Collect, LLC

Dated: November 16, 2020

By: /Crena Pacheco/
Name: Crena Pacheco

ROPES & GRAY LLP