UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOSCIENCE (ZHUHAI) TECHNOLOGY COMPANY, LTD.,
AND
INNOSCIENCE AMERICA, INC.,
Petitioner,

v.

EFFICIENT POWER CONVERSION CORPORATION,
Patent Owner.

IPR2023-01384
U.S. Patent 10,312,335

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence ("FRE"), Petitioner objects to certain exhibits submitted by Patent Owner. Petitioner's objections apply equally to Patent Owner's reliance on these exhibits in any filed documents. These objections are timely, having been filed within five business days of the filing date of Patent Owner's Response (Paper No. 17), filed June 18, 2024. Notwithstanding these objections, Petitioner reserves the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Exhibit 2005

Petitioner objects to any and all paragraphs of Exhibit 2005 that were not cited to or relied upon in Patent Owner's Response under FRE 401, 402, and 403, including paragraphs 1-12, 14-19, 21-27, 29-34, 36, 38, 41-48, 53, 56, 58-60, 63-64, 68-80, 86, 88-96, 99-113, 115-116, 119-121, 123, 126, 129-144, 147-155, 157, 161, 163-164, 167, 169, 175-176, 179-180, 186-206, 208-250, 252-266, 272, 275-277, 279-286, 295-319, 321, 323-353, 355-431, 437, and 439-442. The paragraphs in Exhibit 2005 not cited or relied upon in Patent Owner's Response lack relevance and their probative value is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, and wasting time.

Petitioner also objects to paragraphs 28-35 of Exhibit 2005 under FRE 401 and 402. These paragraphs are irrelevant at least because they do not make any fact more or less probable than it would be without them.

Petitioner also objects to paragraphs 28-35 of Exhibit 2005 under FRE 702 and 703 for including statements that are not the product of reliable principles and methods, do not reliably apply the principles and methods to the facts of the case, and/or rely upon facts and data that would not reasonably be relied upon by someone in the relevant field.

Exhibit 2007

Petitioner objects to Exhibit 2007 under FRE 401 and 402. This exhibit is irrelevant because it is from a different *inter partes* review proceeding involving a different patent and it is not cited in Patent Owner's Response. This exhibit does not make any fact more or less probable than it would be without the evidence. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, and wasting time under FRE 403.

Exhibit 2008

Petitioner objects to Exhibit 2008 under FRE 106 as incomplete.

Petitioner also objects to Exhibit 2008 under FRE 401 and 402. This exhibit is irrelevant because it is from a different proceeding involving different patents in

a different jurisdiction with different substantive and procedural law, and is not controlling or persuasive authority. This exhibit does not make any fact more or less probable than it would be without the evidence. Moreover, Petitioner objects to this exhibit because any probative value of the document is substantially outweighed by a danger of unfair prejudice, confusing the issues, misleading the factfinder, and wasting time under FRE 403.

Petitioner objects to Exhibit 2008 under FRE 801 and 802 as inadmissible hearsay not falling within any recognized exception.

Exhibit 2009

Petitioner objects to Exhibit 2009 under FRE 401 and 402 as lacking relevance. This Exhibit is not relevant because it is from a different proceeding, involves different patents in a different jurisdiction with different substantive and procedural law, and it is not controlling or persuasive authority. Petitioner also objects to Exhibit 2009 as unduly prejudicial, confusing the issues, and misleading under FRE 403. Exhibit 2009 would be prejudicial, confusing, and misleading because it would conflate this proceeding with another proceeding involving different patents in a different jurisdiction.

.

Respectfully submitted,

Dated: June 25, 2024

/Lionel M. Lavenue/
Lionel M. Lavenue
Reg. No. 46,859
Counsel for Petitioner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Petitioner's Objections to Patent Owner's Evidence** were served on June 25, 2024, via email directed to counsel of record for the Patent Owner at the following:

Walter D. Davis, Jr.
walter.davis@blankrome.com

Dipu Doshi
dipu.doshi@blankrome.com

Mark Mashack
mark.mashack@blankrome.com

Stephen Soffen
stephen.soffen@blankrome.com

Cory R. Edwards
cory.edwards@blankrome.com

Ameya V. Paradkar
arun.paradkar@blankrome.com

Jonathan England
jonathan.england@blankrome.com

EPCC-Inno-IPRS@blankrome.com

Dated: June 25, 2024

By:/Lisa C. Hines/
Lisa C. Hines
Case Manager
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, LLP