

**UNITED STATES PATENT AND TRADEMARK OFFICE**  
**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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ONEPLUS TECHNOLOGY (SHENZHEN) CO., LTD.,  
Petitioner,

v.

PANTECH CORPORATION,  
Patent Owner

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**Case: IPR2025-00756**

**U.S. Patent No. 10,764,803**

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**PATENT OWNER'S OBJECTIONS TO EVIDENCE**  
**UNDER 37 C.F.R. § 42.64(B)(1)**

Mail Stop **Patent Board**  
Patent Trial and Appeal Board  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

## **I. INTRODUCTION**

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“F.R.E.”), the undersigned counsel, on behalf of Patent Owner, hereby serves and submits the following objections to evidence submitted by Petitioner accompanying Petitioner’s Petition for *Inter Partes* Review. These objections are timely because they are filed within ten business days of institution of trial.

## **II. OBJECTIONS**

### **A. Exhibits. 1003 and 1004**

Patent Owner objects to Exhibits 1003 and 1004, and any reference to or reliance on these exhibits, on the following grounds:

**37 C.F.R. § 42.61 (Admissibility of evidence):** These exhibits are not admissible under any applicable rule of the Patent Trial and Appeal Board.

**37 C.F.R. § 42.65 (Expert Testimony):** These exhibits include expert testimony that does not disclose the underlying facts or data on which the opinion is based.

**F.R.E. 401/402 (Relevance):** These exhibits are not relevant to any ground upon which trial was instituted. For example, Ex. 1003 includes discussion of various documents (*e.g.*, Exs. 1011-1016, 1020) and topics which have no bearing on whether the challenged claims are patentable according to the grounds of institution in this proceeding (*e.g.*, ¶¶ 47-49, 63-77, 88, 106, 114, 138, 149, 151, 242,

255, 257, 285, 297). Ex. 1004 includes discussion of topics which have no bearing on whether the challenged claims are patentable according to the grounds of institution in this proceeding (*e.g.*, ¶¶ 26-55).

**F.R.E. 403 (Excluding evidence for prejudice, confusion, waste of time, or for other reasons):** These exhibits include information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence (*e.g.*, Ex. 1003 at ¶¶ 47-49, 63-77, 88, 106, 114, 138, 149, 151, 242, 255, 257, 285, 297; Ex. 1004 at ¶¶ 26-55).

**F.R.E. 602 (Need for Personal Knowledge):** These exhibits include statements and testimony made without any personal knowledge, including and not limited to, what a POSITA would have understood at the time of the invention (*e.g.*, Ex. 1003 at ¶¶ 138, 154, 157, 171-74, 178, 181-82, 186, 199-212, 239, 256, 282, 289-91, 296), what components were “well-known” or “conventional” at the time of the invention (*e.g.*, Ex. 1003 at ¶¶ 66-77, 138, 166, 254-55, 285, 296), and actual practices with regard to certain references alleged by the Petitioner (*e.g.*, Ex. 1004 at ¶¶ 56-125).

**F.R.E. 702/703 (Expert testimony):** These exhibit includes statements and testimony on topics, including and not limited to, the state of the art at the time of

the '803 Patent and supposed practices of industry organization. This exhibit includes statements and testimony that are not based on sufficient facts and data, nor is it the product of reliable principles and methods (*e.g.*, Ex. 1003 at ¶¶ 138, 154, 157, 171-74, 178, 181-82, 186, 199-212, 239, 256, 282, 289-91, 296; Ex. 1004 at ¶¶ ¶¶ 26-125). Further, the relied upon facts and data are not those on which experts in this field would reasonably rely.

**F.R.E. 801/802/805 (Hearsay):** This exhibit includes inadmissible hearsay and/or double hearsay with no applicable exceptions (*e.g.*, Ex. 1003 at ¶¶ 138, 154, 157, 171-74, 178, 181-82, 186, 199-212, 239, 256, 282, 289-91, 296; Ex. 1004 at ¶¶ ¶¶ 26-125).

**B. Exhibits 1011-1016 and 1020**

Patent Owner objects to Exhibits 1011-1016 and 1020, and any reference to or reliance on these exhibits, on the following grounds:

**37 C.F.R. § 42.61 (Admissibility of evidence):** These exhibits are not admissible under any applicable rule of the Patent Trial and Appeal Board.

**F.R.E. 401/402 (Relevance):** These exhibits and their references in the record are not relevant because neither Petitioner nor its expert have provided any admissible evidence establishing their relevance on any ground upon which trial was

instituted (*e.g.*, Ex. 1003 at ¶¶ 47-49, 63-77, 88, 106, 114, 138, 149, 151, 242, 255, 257, 285, 297).

**F.R.E. 403 (Excluding evidence for prejudice, confusion, waste of time, or for other reasons):** These exhibits include information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence (*e.g.*, Ex. 1003 at ¶¶ 47-49, 63-77, 88, 106, 114, 138, 149, 151, 242, 255, 257, 285, 297). Exhibits 1011, 1015, and 1016 have not been relied upon by the Petition for any instituted Ground.

**F.R.E. 801/802/805 (Hearsay):** These exhibits also include inadmissible hearsay and/or double hearsay with no applicable exceptions.

**F.R.E. 901 (Authentication and Identification):** These exhibits are not of the kind that is self-authenticated, and has not been properly authenticated or identified as to support a finding that the item is what the proponent claims it to be.

**C. Exhibit 1021-1040**

Patent Owner objects to Exhibits 1021-1040, and any reference to or reliance on these exhibits, on the following grounds:

**37 C.F.R. § 42.61 (Admissibility of evidence):** These exhibits are not admissible under any applicable rule of the Patent Trial and Appeal Board.

**F.R.E. 401/402 (Relevance):** These exhibits and their references in the record are not relevant because neither Petitioner nor its expert have provided any admissible evidence establishing their relevance on any ground upon which trial was instituted.

**F.R.E. 403 (Excluding evidence for prejudice, confusion, waste of time, or for other reasons):** These exhibits includes information whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

**F.R.E. 801/802/805 (Hearsay):** Exhibits 2021-1040 include inadmissible hearsay and/or double hearsay with no applicable exceptions.

**F.R.E. 901 (Authentication and Identification):** These exhibits are not of the kind that is self-authenticated, and the exhibits have not been properly authenticated or identified as to support a finding that the item is what the proponent claims it to be.

### **III. CONCLUSION**

For at least the foregoing reasons, Patent Owner objects to Exhibits 1003, 1004, 1011-1016, and 1020-1040.

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U.S. Patent No. 10,764,803  
Patent Owner's Objections to Evidence

Dated: December 23, 2025

Respectfully submitted,

/James A. Fussell Reg No 54885/  
James A. Fussell (Reg. No. 54,885)

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 23rd day of December, 2025, a copy of the attached PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) was served by electronic mail to the attorneys of record, at the following addresses:

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Respectfully submitted,

Date: December 23, 2025

By: /James A. Fussell Reg No 54885/  
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