

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

PANTECH WIRELESS, LLC,
Patent Owner.

U.S. Patent No. 10,764,803
Filed: August 6, 2019
Issued: September 1, 2020
Inventors: Stephen G. Dick, et al.

TITLE: ENHANCED UPLINK OPERATION IN SOFT HANDOVER

Inter Partes Review No. IPR2025-00756

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

As provided by 37 C.F.R. § 42.64(b)(1), Petitioner OnePlus Technology (Shenzhen) Co., Ltd. hereby submits the following objections to evidence submitted by Patent Owner Pantech Wireless, LLC during the preliminary proceedings in this matter. To the extent Patent Owner subsequently relies on any of the evidence addressed herein, the objections set forth below shall continue to apply. These objections are timely served and filed within ten business days of institution of *inter partes* review. 37 C.F.R. § 42.64(b)(1). Notwithstanding the objections set forth herein, Petitioner expressly reserves the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

A. Exhibits 2002, 2003, 2008–2010

Petitioner objects to:

- Exhibit 2002 - United States District Courts – National Judicial Caseload Profile;
- Exhibit 2003 - Pantech Corporation's July 9, 2021 Notice Letter to OnePlus Technology Co., Ltd.;
- Exhibit 2008 - Kiri Gupta & Urska Petrovcic, *Evidence of Systematic "Patent Holdout"*, 38 Berkeley Tech. L. J. (2023);

- Exhibit 2009 - Richard A. Epstein & Kayvan B. Noroozi, *Why Incentives for “Patent Holdout” Threaten to Dismantle FRAND, and Why It Matters*, 32 Berkeley Tech. L.J. 1381 (2017); and
- Exhibit 2010 - Kalyan Dasgupta & David J. Teece, *Protecting Innovation in the Mobile Wireless Ecosystem: Understanding & Addressing “Hold-Out”*, 38 Berkeley Tech. L.J. 313 (2023)

as inadmissible hearsay and hearsay within hearsay under Federal Rules of Evidence (FRE) 801, 802, 803, and 805 not falling under any exception.

Petitioner further objects to Exhibits 2002, 2003, and 2008–2010 under FRE 901 and 902 because each lacks foundation, is not authenticated, and is not self-authenticating.

Petitioner further objects to Exhibits 2002, 2003, and 2008–2010 as not relevant under FRE 402. For instance, these exhibits were cited only with regard to whether this petition should be discretionarily denied. Given that this petition was instituted and not discretionarily denied, these exhibits are not relevant. To the extent any of the exhibits is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, and/or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.

B. Exhibits 2001, 2005–2007, and 2011

Petitioner objects to:

- Exhibit 2001 - Second Amended Docket Control Order, *Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.*, No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 58) (May 13, 2025);
- Exhibit 2005 - Order Modifying Dates in Docket Control Order, *Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.*, No. 5:24-CV-00038-RWSJBB (E.D. Tex.) (Dkt. 85) (July 17, 2025);
- Exhibit 2006 - Jury Verdict, *Pantech Corp. v. OnePlus Technology (Shenzhen) Co., Ltd.*, No. 5:22-cv-00069-RWS (E.D. Tex.) (Dkt. 259) (April 1, 2024);
- Exhibit 2007 - Final Judgment, *Pantech Corp. v. OnePlus Technology (Shenzhen) Co., Ltd.*, No. 5:22-cv-00069-RWS (E.D. Tex.) (Dkt. 499) (Jan. 23, 2025); and
- Exhibit 2011 - Markman Order, *Pantech Corporation and Pantech Wireless, LLC v. OnePlus Technology (Shenzhen) Co., Ltd.*, No. 5:24-CV-00038-RWS-JBB (E.D. Tex.) (Dkt. 90) (July 30, 2025)

under FRE 901 and 902 because each lacks foundation.

Petitioner further objects to Exhibits 2001, 2005–2007, and 2011 as not relevant under FRE 402. For instance, these exhibits were cited only with regard to whether this petition should be discretionarily denied. Given that this petition was instituted and not discretionarily denied, these exhibits are not relevant. Also, Exhibit 2005 is not cited in any of Patent Owner's preliminary papers. To the extent any of the exhibits is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, and/or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403.

C. Exhibit 2012

Petitioner objects to Exhibit 2012 — U.S. Patent Application Publication No. 2005/0111389 — as not relevant under FRE 402. To the extent Exhibit 2012 is relevant, its probative value is outweighed by the danger of causing unfair prejudice, confusing the issues, causing undue delay, wasting time, and/or needlessly presenting cumulative evidence, and therefore is inadmissible under Rule 403, at least insofar as the publication is being relied upon as to what the '803 patent discloses. *See, e.g.*, Paper 13 (Patent Owner Preliminary Sur-Reply) at 3–5. It is confusing and cumulative for Patent Owner to rely on the publication, rather than the '803 patent itself, as the basis for what the '803 patent discloses.

Petitioner's Objections to Patent Owner's Evidence
U.S. Patent No. 10,764,803 | IPR2025-00756

Respectfully submitted,

Date: December 23, 2025

/Wesley O. Mueller/

Wesley O. Mueller (Reg. No. 33,976)

Counsel for Petitioner

CERTIFICATE OF SERVICE

I hereby certify that on December 23, 2025, a true and correct copy of
Petitioner's Objections to Evidence was served in its entirety by electronic mail to
Patent Owner's counsel of record at the following email addresses:

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Date: December 23, 2025

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