

Filed on behalf of: Mallinckrodt Hosp. Prods. IP Ltd.

Entered: March 2, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRAXAIR DISTRIBUTION, INC.

Petitioner

v.

MALLINCKRODT HOSPITAL PRODUCTS IP LTD.,

Patent Owner

Case IPR2015-00889
U.S. Patent No. 8,573,209 B2

Before KEN B. BARRETT, MICHAEL J. FITZPATRICK, AND
SCOTT A. DANIELS, *Administrative Patent Judges*.

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

Under 37 C.F.R. § 42.64(b)(1), Patent Owner Mallinckrodt Hospital Products IP Ltd. (“Patent Owner”) submits the following objections to evidence submitted by Praxair Distribution, Inc. (“Petitioner”). Petitioner’s objections apply equally to Petitioner’s reliance on this evidence in any subsequently-filed documents or further proceedings in this matter. These objections are timely, having been served within five business days of service of Petitioner’s Reply to Patent Owner’s Response (Paper 40) in this proceeding.

Notwithstanding these objections, Patent Owner expressly reserves the right to rely on any evidence submitted by Petitioner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibit 1021

Patent Owner objects to Exhibit 1021 to the extent that it is irrelevant to this proceeding and/or unfairly prejudicial. *See* Fed. R. Evid. 401-403. Patent Owner further objects to Exhibit 1023 to the extent that it constitutes hearsay. *See* Fed. R. Evid. 801-803.

Exhibit 1022

Patent Owner objects to Exhibit 1022 to the extent that it is not an accurate transcription of the deposition of Warren P. Heim. Mr. Heim has not yet signed the transcript from his deposition in this matter.

Exhibit 1023

Patent Owner objects to Exhibit 1023 to the extent that it is irrelevant to this proceeding and/or unfairly prejudicial. *See* Fed. R. Evid. 401-403. Patent Owner further objects to Exhibit 1023 to the extent that it is unauthenticated and/or constitutes hearsay. *See* Fed. R. Evid. 801-803, 901.

Exhibit 1024

Patent Owner objects to Exhibit 1024 to the extent that it is irrelevant to this proceeding and/or unfairly prejudicial. *See* Fed. R. Evid. 401-403. Patent Owner further objects to Exhibit 1024 to the extent that it is unauthenticated and/or constitutes hearsay. *See* Fed. R. Evid. 801-803, 901. Patent Owner further objects to Exhibit 1024 to the extent it violates the Best Evidence Rule. *See* Fed. R. Evid. 1002.

Respectfully submitted,

Dated: March 2, 2016

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 2nd day of March, 2016, a true and correct copy of the foregoing **Patent Owner's Objections to Evidence Submitted With Petitioner's Reply to Patent Owner's Response** was served by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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