

Filed on behalf of Nidec Motor Corporation

IPR2015-01039

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LINDSAY CORPORATION
Petitioner

v.

VALMONT INDUSTRIES, INC.
Patent Owner

Case No. IPR2015-01039
U.S. Patent No. 7,003,357

**PETITIONER'S NOTICE OF OBJECTIONS
TO PATENT OWNER'S SUPPLEMENTAL EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Lindsay Corporation (“Lindsay”) submits its notice of objections to Valmont’s Supplemental Evidence served February 9, 2016 in connection with IPR2015-01039, within five business days following Valmont’s service of supplemental evidence. The bases for the objections are as follows:

Declaration of Sarah Fish:

Paragraph 3: Lindsay objects to this paragraph under FED. R. EVID. 801-802 because it contains hearsay as to the purported date of publication of the article presented in Exhibit 2008 and hearsay as to the purported date of public availability of the article presented in Exhibit 2008 on the Web Archive.

Paragraph 4: Lindsay objects to this paragraph under FED. R. EVID. 801-802 because it contains hearsay as to the purported date of last updating of the article presented in Exhibit 2009 and hearsay as to the purported date of public availability of the article presented in Exhibit 2009 on the Web Archive.

Paragraph 6: Lindsay objects to this paragraph under FED. R. EVID. 801-802 because it contains hearsay as to the purported date of publication of the article presented in Exhibit 2011 and hearsay as to the purported date of public availability of the article presented in Exhibit 2011 on the Web Archive.

Paragraph 7: Lindsay objects to this paragraph under FED. R. EVID. 801-802 because it contains hearsay as to the purported date of public availability of the article presented in Exhibit 2012 on the Web Archive.

Paragraph 8: Lindsay objects to this paragraph under FED. R. EVID. 801-802 because it contains hearsay as to the purported date of publication of the article presented in Exhibit 2014.

Paragraph 9: Lindsay objects to this paragraph under FED. R. EVID. 801-802 because it contains hearsay as to the purported date of publication of the article presented in Exhibit 2015 and hearsay as to the purported date of public availability of the article presented in Exhibit 2015 on the Web Archive.

Affidavit of Christopher Butler

Lindsay objects to the entirety of the Butler affidavit and attached exhibits under FED. R. EVID. 602 because Mr. Butler has failed to lay a sufficient foundation, including an explanation of his personal knowledge, for his testimony about the operation and accuracy of the Wayback Machine. Lindsay further objects to the material attached as Exhibit A to the Butler Affidavit, which appears to be new and different versions of previously filed Exhibits 2008, 2009, 2011, 2012, and 2015. Submitting new versions of the same evidence is the improper presentation of supplemental information without having moved for permission to

do so. 37 C.F.R. § 42.123. Moreover, Lindsay objects to the new evidence on the same grounds Lindsay originally identified with respect to Exhibits 2008, 2009, 2011, 2012, and 2015 in *Petitioner's Notice of Objections to Patent Owner's Evidence* filed January 26, 2016, and those objections are hereby incorporated by reference in their entirety herein.

Dated: February 17, 2016

Respectfully Submitted,

/s/ Scott R. Brown

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ATTORNEYS FOR PETITIONER
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 17th day of February, 2016, a true and accurate copy of the foregoing *Petitioner's Notice of Objections to Patent Owner's Supplemental Evidence* was filed through the Patent Review Processing System and served on the following counsel for Petitioner via email:

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