

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UMICORE AG & CO. KG,
Petitioner

v.

BASF Corporation,
Patent Owner

Case IPR2015-01121
Patent Number: 7,601,662

**PATENT OWNER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE
SERVED WITH PETITIONER UMICORE AG & CO. KG'S
PETITION FOR *INTER PARTES* REVIEW**

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner BASF Corporation, hereby objects as follows to the admissibility of evidence with Petitioner Umicore AG & CO. KG's Petition for *Inter Partes* of U.S. Patent No. 7,601,662.

Evidence	Objections
Exhibit 1002	Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows. FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.
Exhibit 1003	Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows. FRE 402: the exhibit is not relevant to any ground upon which trial was instituted. FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.
Exhibit 1004	Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows. FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.
Exhibit 1005	Lack of Foundation: Petitioner has not provided sufficient

	<p>explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 1006	<p>Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 402: the exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 1007	<p>Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p>FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
Exhibit 1008	<p>FRE 402: the exhibit contains paragraphs, including paragraphs relating to claims 9-11, that are not relevant to any ground upon which trial was instituted. <i>See, e.g.,</i> Institution decision, IPR2015- 01121, paper 8, at p. 16, 18.</p>

FRE 403: the exhibit's 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.

FRE 602: Paragraphs 20-34, 35-36, 37-61, 62-268, and 269-314 of the exhibit includes assertions for which evidence has not been introduced sufficient to show that the witness has personal knowledge of the matters asserted.

FRE 701/702/703: Paragraphs 20-34, 35-36, 37-61, 62-268, and 269-314 of the exhibit include opinions that are not admissible under FRE 701, 702, or 703, or *Daubert v. Merrell Dow Pharms., Inc.*, 509 U.S. 579 (1993).

FRE 801/802: Paragraphs 20-34, 35-36, 37-61, 62-268, and 269-314 of the exhibit includes statements that are inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.

FRE 805: the exhibit contains improper hearsay within hearsay.

FRE 1006: the exhibit provides an improper summary of the evidence.

FRE 705 / 37 C.F.R. § 42.65: the exhibit includes expert

	<p>testimony that does not disclose the underlying facts or data and improper discussion of patent law.</p>
Exhibit 1010	<p>Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 402: the exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: the exhibit's 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.</p> <p>FRE 802: the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
Exhibit 1011	<p>Lack of Foundation: Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 402: the exhibit is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay,</p>

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