

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

UMICORE AG & CO. KG,  
Petitioner

v.

BASF Corporation,  
Patent Owner

---

Case IPR2015-01123  
Patent Number: 8,404,203

---

**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. 8,404,203.

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

	<p>trial was instituted.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
<b>Exhibit 1006</b>	<p><b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p><b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p>
<b>Exhibit 1007</b>	<p><b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p><b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.</p> <p><b>FRE 901:</b> Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
<b>Exhibit 1008</b>	<p><b>FRE 402:</b> the exhibit contains paragraphs that are not relevant to any ground upon which trial was instituted.</p> <p><b>FRE 403:</b> the exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the</p>

danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

**FRE 602:** Paragraphs 20-34, 35-36, 37-64, 65-244, and 245-300 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, 37-64, 65-244, and 245-300 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, 37-64, 65-244, and 245-300 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 testimony that does not disclose the underlying facts or data and improper discussion of patent law.

<b>Exhibit 1009</b>	<b>FRE 901:</b> Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.
<b>Exhibit 1010</b>	<b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows. <b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted. <b>FRE 403:</b> 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. <b>FRE 802:</b> the exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein.
<b>Exhibit 1011</b>	<b>Lack of Foundation:</b> Petitioner has not provided sufficient explanation of what the exhibit is or what it allegedly shows. <b>FRE 402:</b> the exhibit is not relevant to any ground upon which trial was instituted. <b>FRE 403:</b> 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,

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.