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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROBERT BOSCH LLC and DAIMLER AG,
Petitioners,

v.

ORBITAL AUSTRALIA PTY LTD,
Patent Owner

Case No. IPR2015-01258
U.S. Patent 5,655,365

**PATENT OWNER'S FIRST OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

**PATENT OWNER'S FIRST OBJECTIONS TO EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64**

Pursuant to 37 C.F.R. § 42.64(b)(1), Orbital Australia Pty Ltd f/k/a/ Orbital Engine Company (Australia) Pty. Ltd. ("Patent Owner") hereby objects to the admissibility of certain evidence submitted or cited in support of the Petition dated June 16, 2016 (Paper 3). Patent Owner's objections are based on the Federal Rules of Evidence ("FRE"), relevant case law, and PTAB Rules, as further detailed below. Patent Owner's objections to evidence are timely under 37 C.F.R. § 42.64(b)(1), as they are filed within ten business days from the institution of trial on December 30, 2015.

Exhibit 1002

Petitioner's Exhibit 1002 nominally purports to be a reference entitled "Methods for Fast Catalytic System Warm-Up During Vehicle Cold Starts," SAE Technical Paper 720481, 1972 by Bernhardt *et al.* (Ex. 1002, "Bernhardt"). Exhibit 1002 additionally contains a cover page which appears to be a webpage printout dated January 20, 2015 from the website <http://papers.sae.org/720481/>. Ex. 1002 at 1.

Patent Owner objects to this exhibit because it has not been properly authenticated, as required by FRE 901, and this exhibit is not self-authenticating under FRE 902.

Patent Owner also objects to this exhibit to the extent it is relied on for information purportedly relating to dates of publication, if any, as hearsay under FRE 801 and inadmissible under FRE 802-807.

Exhibit 1010

Petitioner's Exhibit 1010 is U.S. Patent No. 6,581,572 to Hurley.

Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

Patent Owner also objects to this exhibit under 37 C.F.R. §§ 42.6(a)(3) and 42.24(a)(1)(i) because it is not referenced or explained in the Petition. *See* 37 C.F.R. §§ 42.22(a)(2) and 42.104(b)(4).

Dated: January 13, 2016

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on January 13, 2016, a true and accurate copy of this paper, PATENT OWNER'S FIRST OBJECTIONS TO EVIDENCE, was served on the Petitioners at the following e-mail addresses, pursuant to Petitioner's consent to e-mail service:

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Dated: January 13, 2016

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