

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JOHNSON MATTHEY INC., and JOHNSON MATTHEY PLC,  
Petitioner,

v.

BASF CORPORATION,  
Patent Owner.

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Case IPR2015-01266  
Patent Number: 9,039,982

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**PATENT OWNER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE  
SERVED WITH PETITIONER JOHNSON MATTHEY INC. & JOHNSON  
MATTHEY PLC'S REPLY TO PATENT OWNER'S RESPONSE TO  
PETITION FOR *INTER PARTES* REVIEW**

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Pursuant to 37 C.F.R § 42.64(b), Patent Owner BASF Corporation, hereby objects as follows to the admissibility of evidence relied upon by Petitioner in its June 6, 2016 Reply (Paper 23):

<b>Evidence</b>	<b>Objections</b>
<b>Exhibit 1029</b>	<p><b>FRE 106/401/402/403:</b></p> <ul style="list-style-type: none"> <li>• <b>46:14-22, 46:24-47:1, 124:10-15:</b> This testimony is incomplete when taken in isolation and is used in a misleading manner.</li> <li>• <b>39:6-24, 143:22-144:7:</b> This testimony does not appear relevant to an issue in the IPR, is incomplete when taken in isolation, and is used in a misleading manner. This testimony does not appear to support the contention for which it is cited.</li> </ul> <p><b>37 C.F.R. § 42.123:</b> The exhibit constitutes improper and untimely supplemental evidence.</p>
<b>Exhibit 1030</b>	<p><b>FRE 401-402:</b> The exhibit is 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 danger of unfair prejudice, confusing the issues, undue delay,</p>

Evidence	Objections
	<p>wasting time, or needlessly presenting cumulative evidence.</p> <p><b>37 C.F.R. § 42.123:</b> The exhibit constitutes improper and untimely supplemental evidence.</p>
<b>Exhibit 1031</b>	<p><b>FRE 401-402:</b> The exhibit is 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 danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p><b>37 C.F.R. § 42.123:</b> The exhibit constitutes improper and untimely supplemental evidence.</p>
<b>Exhibit 1032</b>	<p><b>FRE 401-402:</b> The exhibit is 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 danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p><b>37 C.F.R. § 42.123:</b> The exhibit constitutes improper and untimely supplemental evidence.</p>

Evidence	Objections
<b>Exhibit 1033</b>	<p><b>FRE 401-402:</b> The exhibit is 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 danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p><b>37 C.F.R. § 42.123:</b> The exhibit constitutes improper and untimely supplemental evidence.</p>
<b>Exhibit 1034</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 401-402:</b> The exhibit is 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 danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</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>37 C.F.R. § 42.123:</b> The exhibit constitutes improper and</p>

Evidence	Objections
	untimely supplemental evidence.
<b>Exhibit 1035</b>	<p><b>FRE 401-402:</b> The exhibit is 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 danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</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> <p><b>37 C.F.R. § 42.123:</b> The exhibit constitutes improper and untimely supplemental evidence.</p>
<b>Exhibit 1036</b>	<p><b>FRE 401-402:</b> The exhibit is 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 danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p>

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