

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYDRITE CHEMICAL CO.,
Petitioner,

v.

SOLENIS TECHNOLOGIES, L.P.,
Patent Owner.

Case IPR2015-01592
Patent 8,962,059

OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1)
TO EVIDENCE SUBMITTED DURING THE PRELIMINARY PROCEEDING

Filed via PRPS

Dear Board:

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner objects to the admissibility of the document identified below that was submitted by Patent Owner with “Patent Owner’s Preliminary Response to Petition” on October 29, 2015, Paper No. 6 (“POPR”), for the following reasons:

1. Petitioner objects to Patent Owner’s Ex. 2002 because its has not been authenticated as required by Federal Rule of Evidence (“FRE”) 901. Ex. 2002 includes header/footer information referencing the “Minnesota

Nutrition Conference,” “September 11, 2001,” and “Presented by Kelly S. Davis.” However, Patent Owner provides no evidence supporting a finding that Ex. 2002 was actually presented where, when, and by whom stated. In addition, Ex. 2002 is not self-authenticating under FRE 902.

2. Petitioner objects to Patent Owner’s Ex. 2002 because it is hearsay and contains hearsay under FRE 801, and is inadmissible under FRE 802-807. For example, with citation to Ex. 2002, Patent Owner states, for the truth of the matter asserted, that “[t]hose of ordinary skill recognized these [*i.e.*, wet milling and dry milling] to be ‘distinct’ processes that generate ‘unique co-products.’” POPR, p. 18 (fn 2). In addition, the referenced portion of Ex. 2002 also states, for the truth of the matter asserted, that “[t]here are two distinct processes for processing corn, wet-milling and dry-milling and each process generates unique co-products.” Ex. 2002, p. 2.

These objections have been filed and served within 10 business of the institution of trial on January 27, 2016.

Respectfully submitted,

Date: February 10, 2016

By: /Richard T. Roche/
Richard T. Roche
Reg. No. 38,599
Lead Counsel for Petitioner

Date: February 10, 2016

By: /Joel A. Austin/
Joel A. Austin
Reg. No. 59,712
Back-up Counsel for Petitioner

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CERTIFICATE OF SERVICE

Filed via PRPS

Dear Board:

I hereby certify on this 10th day of February 2016, that a true and correct copy of the OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) TO EVIDENCE SUBMITTED DURING THE PRELIMINARY PROCEEDING was electronically mailed in its entirety to:

IPR2015-01592@bakerlaw.com

jlucci@bakerlaw.com

dfarsiou@bakerlaw.com

Respectfully submitted,

Date: February 10, 2016

By: /Joel A. Austin/
Joel A. Austin
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Back-up Counsel for Petitioner

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