

Filed on behalf of Oxbo International Corporation

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UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

H&S MANUFACTURING COMPANY, INC.

Petitioner,

v.

OXBO INTERNATIONAL CORPORATION

Patent Owner.

Case IPR2016-00950
Patent 8,166,739

PATENT OWNER'S SECOND SET OF OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner, Oxbo International Corporation, hereby submits objections to certain evidence that Petitioner, H&S Manufacturing Company, Inc., submitted in IPR2016-00950. Specifically, on April 13, 2017, Petitioner filed an Updated Exhibit List (Paper 26) and three exhibits (Exhibit 1022, Exhibit 1023, and Exhibit 1024). Petitioner served Patent Owner on the same date. Patent Owner is filing these objections within five business days of service of the evidence.

The objections below are not Patent Owner’s exclusive objections to Exhibits 1022, 1023, and 1024. Patent Owner notes that submission of Exhibits 1022-1024 is premature; these exhibits are not yet relied upon in any filings in this matter, and Patent Owner cannot speculate how Petitioner may use those Exhibits. Accordingly, Patent Owner hereby expressly reserves the right to submit additional objections to Exhibits 1022-1024 if Petitioner uses any of them in this proceeding.

Exhibit #	Description	Objections
1022	Srivastava, et al. (1993). Chapter 8: Hay and Forage Harvesting in <i>Principles of Agricultural Machines</i> (pgs 325-406)	Relevancy, Fed. R. Evid. 401, 402, and 403; Hearsay Fed. R. Evid. 802; and 37 C.F.R. § 42.53(d)(5)(ii), objection to use of any documents outside the scope of the direct testimony.
1023	Carr, Patrick M. , et al. “Barley Versus Oat: Which Makes the Superior Forage Crop,” 2001 Annual Report Agronomy	Relevancy, Fed. R. Evid. 401, 402, and 403; Hearsay, Fed. R. Evid. 802; and 37 C.F.R. § 42.53(d)(5)(ii), objection to use of any documents outside the scope of the

Exhibit #	Description	Objections
	Section, Dickinson Research Extension Center	direct testimony.
1024	Jonathan Chaplin, Ph.D. Deposition Transcript dated April 10, 2017	<p>Relevancy, Fed. R. Evid. 401, 402, and 403.</p> <p>In addition to the objections stated on the record during the deposition, the following passages are objected to under 37 C.F.R. § 42.53(d)(5)(ii) as outside the scope of the direct testimony:</p> <p>page 66:18-67:25; page 113:13-21; page 153:19-158:15; page 158:17-159:25; and page 162:16-163:13.</p>

Respectfully submitted,

MERCHANT & GOULD, P.C.

Date: April 19, 2017

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(Trial No. IPR2016-00950)

ATTORNEYS FOR PATENT OWNER

CERTIFICATION OF SERVICE

The undersigned hereby certifies that “PATENT OWNER’S SECOND SET OF OBJECTIONS TO EVIDENCE” for the above-captioned matter was served in its entirety on April 19, 2017, upon the following parties via e-mail:

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Date: April 19, 2017

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(IPR2016-00950)

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