

Filed on behalf of Oxbo International Corporation

By: Andrew J. Lagatta, Reg. No. 62,529  
Merchant & Gould P.C.  
3200 IDS Center  
80 South 8<sup>th</sup> Street  
Minneapolis, MN 55402  
Tel: (612) 371-5383  
Fax: (612) 332-9081

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**H&S MANUFACTURING COMPANY, INC.**

Petitioner,

v.

**OXBO INTERNATIONAL CORPORATION**

Patent Owner.

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Case IPR2016-00950  
Patent 8,166,739

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**PATENT OWNER'S THIRD 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. 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. On May 3, 2017, Petitioner filed, and served Patent Owner with, three more exhibits (Exhibit 1010, Exhibit 1025, and Exhibit 1026) with its Petitioner Reply. Patent Owner is filing these objections within five business days of service of the evidence.

Exhibit #	Description	Objections
1022	Srivastava, et al. (1993). Chapter 8: Hay and Forage Harvesting in <i>Principles of Agricultural Machines</i> (pgs 325-406)	Completeness, Fed. R. Evid. 106; 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 Section, Dickinson Research Extension Center	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.
1024	Jonathan Chaplin, Ph.D. Deposition Transcript dated April 10, 2017	Relevancy, Fed. R. Evid. 401, 402, and 403; and

Exhibit #	Description	Objections
		<p>Completeness, Fed. R. Evid. 106, Fed. R. Civ. Pro. 32(a)(6), and misleading, Fed. R. Evid. 403:</p> <ul style="list-style-type: none"> <li>- p. 68:6-9; misleading and/or incomplete as used in Paper No. 28 (Petitioner’s Reply to Patent Owner Response) at p. 8; cite does not support the proposition for which it is cited;</li> <li>- p. 52:13-55:12; misleading and/or incomplete as used in Paper No. 28 at p. 13; <i>see</i> p. 105:14-21;</li> <li>- pp. 72:13-73:4, 75:14-20, 77:6-78:3; misleading and/or incomplete as used in Paper No. 28 at pp. 14-15;</li> <li>- p. 130:9-21, 130:23-131:12, and 158:17-159:9; misleading and/or incomplete as used in Paper No. 28 at p. 15; the references that were the subject of the questions were not at issue for the instituted ground;</li> <li>- p. 157:7-16; misleading and/or incomplete as used in Paper No. 28 at p. 15; <i>see</i> 158:5-15;</li> <li>- 157:2-6; misleading and/or incomplete as used in Paper No. 28 at p. 15; <i>see</i> 158:5-15;</li> <li>- p. 151:6-19; misleading and/or incomplete as used in Paper No. 28 at p. 16; <i>see</i> 116:18-117:11;</li> <li>- p. 55:2-7; misleading and/or incomplete as used in Paper No. 28 at p. 21; cite does not support the</li> </ul>

Exhibit #	Description	Objections
		<p>proposition for which it is cited;</p> <ul style="list-style-type: none"> <li>- p. 59:12-18; misleading and/or incomplete as used in Paper No. 28 at p. 24; cite does not support the proposition for which it is cited; and</li> <li>- p. 129:1-5, 130:3-8; misleading and/or incomplete as used in Paper No. 28 at pp. 24-24; cite does not support the proposition for which it is cited.</li> </ul> <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>pp. 66:18-67:25;  p.113:13-21;  pp.153:19-158:15;  pp.158:17-159:25; and  pp.162:16-163:13.</p>
1010	U.S. Patent No. 4,409,780 (Beougher)	Relevancy, Fed. R. Evid. 401, 402, and 403; and Hearsay, Fed. R. Evid. 802.
1025	H&S 2130/2135 TRI-FLEX MERGERS, Operator's Manual, dated January 15, 2015	Hearsay, Fed. R. Evid. 802; Authentication, Fed. R. Evid. 901; Relevancy, Fed. R. Evid. 401, 402, and 403; and Completeness, Fed. R. Evid. 106, <i>see, e.g.</i> , Chaplin Report Ex. 2008 at ¶¶ 89, 91.
1026	Internet Archive web page for AE50 Entry Information archived from www.asae.org, dated	Relevancy, Fed. R. Evid. 401, 402, and 403; Hearsay, Fed. R. Evid. 802; and Authentication, Fed. R. Evid. 901.

Exhibit #	Description	Objections
	December 5, 2003	

Respectfully submitted,

MERCHANT & GOULD, P.C.

Date: May 10, 2017

/Andrew J. Lagatta/

Andrew J. Lagatta, Reg. No. 62,529

Merchant & Gould P.C.

80 South 8th St., Suite 3200

Minneapolis, MN 55402

Telephone: (612) 332-5300

Fax: (612) 332-9081

alagatta@merchantgould.com

OxboIPR@merchantgould.com

(Trial No. IPR2016-00950)

*ATTORNEYS FOR PATENT OWNER*

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