

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

REACTIVE SURFACES LTD. LLP,

Petitioner,

v.

TOYOTA MOTOR CORPORATION,

Patent Owner.

Case IPR2016-01914

Patent No. 8,394,618 B2

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

Pursuant to 37 C.F.R. § 42.64, Patent Owner Toyota Motor Corporation object to the admissibility of the following exhibits submitted by Petitioner Reactive Surfaces Ltd. LLP with its Petitioner Reply:¹

Exhibit 1016

Exhibit 1016 (“Declaration of Leslie D. Michel corroborating publication date and printed publication status of Ex. 1022”) is objected to under F.R.E. 802 as hearsay.

Exhibit 1018

Exhibit 1018 (“Reply Declaration of Dr. David Rozzell, Ph.D.”) is objected to under F.R.E. 702 (improper expert testimony) and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Dr. Rozzell does not possess the requisite credentials or expertise to render opinions in this IPR. Exhibit 1018 is further objected to under F.R.E. 702 as the testimony is not based on sufficient facts or data, is not the product of reliable principles and methods, and the principles and methods have not been reliably applied to the facts of the case. Exhibit 1018 is further objected to under F.R.E. 703 as the testimony is based on facts or data that an expert in this field would not reasonably rely on. Exhibit 1018

¹ In this paper, a reference to “F.R.E.” means the Federal Rules of Evidence, and a reference to “C.F.R.” means the Code of Federal Regulations.

is further objected to under 37 C.F.R. § 42.65(a) for failing to identify with particularity the underlying facts and data on which the opinion is based. Exhibit 1018 is further objected to insofar as it cites or refers to other objectionable exhibits.

Exhibit 1020

Exhibit 1020 (“Reply Declaration of Eric Ray”) is objected to under F.R.E. 702 (improper expert testimony) and *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993). Mr. Ray does not possess the requisite credentials or expertise to render opinions in this IPR. Exhibit 1020 is further objected to under F.R.E. 702 as the testimony is not based on sufficient facts or data, is not the product of reliable principles and methods, and the principles and methods have not been reliably applied to the facts of the case. Exhibit 1020 is further objected to under F.R.E. 703 as the testimony is based on facts or data that an expert in this field would not reasonably rely on. Exhibit 1020 is further objected to under 37 C.F.R. § 42.65(a) for failing to identify with particularity the underlying facts and data on which the opinion is based. Exhibit 1020 is further objected to insofar as it cites or refers to other objectionable exhibits.

Exhibit 1022

Exhibit 1022 (“Printed Publication (1999) entitled ‘The Chemistry of Latent Prints from Children and Adults’ by Mong et al., *The Chesapeake Examiner*, Fall

1999, Vol. 37, No. 2, pgs. 4-6 ('Mong-2')) is objected to under F.R.E. 802 as hearsay. Exhibit 1022 is further objected to under F.R.E. 901 for lack of authentication.

Exhibit 1023

Exhibit 1023 ("Declaration of Eric Pepper corroborating publication date and printed publication status of Ex. 1013") is objected to under F.R.E. 802 as hearsay.

Exhibit 1030

Exhibit 1030 ("Printed Publication (March 2010) Antoine et al., Journal of Forensic Sciences, Vol. 55, No. 2, pgs. 513-518") is objected to under F.R.E. 802 as hearsay.

Exhibit 1031

Exhibit 1031 ("World Patent Application WO 2007/017701 A1, Publication date February 15, 2007") is objected to under F.R.E. 802 as hearsay.

Exhibit 1032

Exhibit 1032 ("Printed Publication (2002) Science News Article, April 15, 1997, printed copy from web site") is objected to under F.R.E. 802 as hearsay. Exhibit 1032 is further objected to under F.R.E. 901 for lack of authentication.

Exhibit 1033

Exhibit 1033 ("Printed Publication (1999) Menzel, E.R., Marcel Dekker,

Inc., New York, 'Fingerprint Detection with Lasers', Chapter 7, pg. 178 (reference 22)”) is objected to under F.R.E. 802 as hearsay.

Exhibit 1034

Exhibit 1034 (“Printed Publication (2002) Bartick et al., 16th Meeting of the International Association of Forensic Sciences, pgs. 61-64”) is objected to under F.R.E. 802 as hearsay. Exhibit 1034 is further objected to under F.R.E. 901 for lack of authentication.

Exhibit 1035

Exhibit 1035 (“Printed Publication (2004) Jain et al, Proceedings of Biometric Authentication Workshop, LNCS 3087, pgs. 259-269.”) is objected to under F.R.E. 802 as hearsay.

Exhibit 1041

Exhibit 1041 (“Printed Publication (1986), Federal Bureau of Investigations, The Science of Fingerprints (Rev. 12-84). Department of Justice. Washington, D.C.: U.S. Government Printing Office. pp. 170-174, 211”) is objected to under F.R.E. 901 for lack of authentication.

Exhibit 1044

Exhibit 1044 (“Printed Publication (2013), Bleay, S. M., Sears, V. G., Bandey, H. L., Gibson, A. P., Bowman, V. J., Downham, R., . . . Selway, C., Fingerprint Source Book: manual of development techniques. London: Home

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