

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KVK-Tech, Inc.,  
Petitioner,

v.

Shire LLC,  
Patent Owner.

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Case IPR2018-00293  
Patent 9,173,857

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PATENT OWNER'S OBJECTIONS TO PETITIONER'S  
EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)

Mail Stop Patent Board  
Patent Trial and Appeal Board  
P.O. Box 1450  
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64, Patent Owner Shire LLC asserts its evidentiary objections to evidence submitted with Petitioner's Reply (Paper 31). These objections are timely served within five (5) business days from the Petitioner's Reply (Paper 31) filed by on February 7, 2019. Additionally, Patent Owner reserves the right to present further objections to this or additional evidence submitted by Petitioner, as allowed by the applicable rules or other authority.

### **Exhibit 1045**

Patent Owner objects to Exhibit 1045 under F.R.E. 703 as including testimony in the form of expert opinion with improper bases. For example, the testimony relies on facts or data that are otherwise inadmissible and for which there is no evidence that these types of facts or data are reasonably relied on by experts in the field.

Patent Owner objects to Exhibit 1045 under F.R.E. 801-803 as including inadmissible hearsay.

Patent Owner objects to Exhibit 1045 as failing to comply with 37 C.F.R. §§ 1.68, 42.2, & 42.63. Specifically, Exhibit 1045 is in the form of a declaration but there is no evidence the declarant was warned that willful false statements and the like are punishable by fine or imprisonment.

Patent Owner objects to any portion of this exhibit to the extent it relies on any other exhibit objected to as set forth herein.

**Exhibits 1047, 1049-1057**

Patent Owner objects to Exhibits 1047 and 1049-1057 under F.R.E. 401-402 as being irrelevant.

Patent Owner objects to Exhibits 1047 and 1049-1057 under F.R.E. 403 because any probative value of these documents is substantially outweighed by their unfairly prejudicial effect.

Patent Owner objects to Exhibits 1047 and 1049-1057 under F.R.E. 801-803 as inadmissible hearsay.

Patent Owner objects to Exhibits 1047 and 1049-1057 under F.R.E. 901 because Petitioner has failed to produce sufficient evidence to support a finding that these documents are what Petitioner claims they are.

Respectfully submitted,

Dated: February 14, 2019

/Joseph R. Robinson/  
Joseph R. Robinson  
PTO Reg. No. 33,448

## CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Patent Owner's Objections to Petitioner's Evidence was served via electronic mail on February 14, 2019 on attorneys for Petitioner:

Steven Roth  
sroth@lmiplaw.com

Thomas Vetter  
tvetter@lmiplaw.com

Respectfully submitted,

Dated: February 14, 2019

/Dustin B. Weeks/  
Dustin B. Weeks  
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