

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PHILIP MORRIS PRODUCTS, S.A.,
Petitioner

v.

RAI STRATEGIC HOLDINGS, INC.,
Patent Owner

IPR2020-01602
Patent 9,901,123 B2

**PATENT OWNER'S OBJECTIONS TO EVIDENCE
SERVED WITH PETITION FOR *INTER PARTES* REVIEW**

Pursuant to 37 C.F.R. § 42.64(b)(1), RAI Strategic Holdings, Inc. (“Patent Owner”) hereby serves the following objections to exhibits Petitioner Philip Morris Products, S.A. (“Petitioner”) served with its Petition for *Inter Partes* Review on September 18, 2020. These objections are timely served within ten business days of the PTAB’s April 2, 2021 Institution Decision (Paper 9).

Patent Owner’s objections and the basis for each objection are below.

Exhibit	Objection(s)
1003	FRE 401/402/403: At least paragraphs 25-36, 109-112, 125, 131-132, 136-137, 139, 143, 160, 163-168, 184, 209, 215, and 220 of this exhibit are irrelevant under FRE 401 and thus inadmissible under FRE 402. The testimony concerning “Ruyan devices” in these paragraphs is not related to any instituted ground or any issue properly before the PTAB in this proceeding. To the extent the identified paragraphs have any marginal relevance, they should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time. Petitioner provides no evidence demonstrating that any “Ruyan devices” are the same as the subject matter described in Hon ’043.
1012	FRE 401/402/403: The exhibit is irrelevant under FRE 401 and thus inadmissible under FRE 402. The contents of this exhibit are not related to any ground instituted by the PTAB or any issue properly raised in this proceeding. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time. Petitioner provides no evidence demonstrating that any “Ruyan devices” are the same as the subject matter described in Hon ’043. FRE 802: The exhibit is inadmissible hearsay if offered to

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	<p>prove the truth of any matter allegedly asserted therein, including, without limitation, any alleged publication date of the exhibit.</p> <p>FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
1013	<p>FRE 401/402/403: The exhibit is irrelevant under FRE 401 and thus inadmissible under FRE 402. The contents of this exhibit are not related to any ground instituted by the PTAB or any issue properly raised in this proceeding. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time. Petitioner provides no evidence demonstrating that any “Ruyan devices” are the same as the subject matter described in Hon ’043.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein, including, without limitation, any alleged publication date of the exhibit.</p>
1015	<p>FRE 401/402/403: The exhibit is irrelevant under FRE 401 and thus inadmissible under FRE 402. The contents of this exhibit are not related to any ground instituted by the PTAB or any issue properly raised in this proceeding. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time. Petitioner provides no evidence demonstrating that any “Ruyan devices” are the same as the subject matter described in Hon ’043.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein, including, without limitation, any alleged publication date</p>

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	of the exhibit.
1018	<p>FRE 401/402/403: The exhibit is irrelevant under FRE 401 and thus inadmissible under FRE 402. The contents of this exhibit are not related to any ground instituted by the PTAB or any issue properly raised in this proceeding. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time. Petitioner provides no evidence demonstrating that any “Ruyan devices” are the same as the subject matter described in Hon ’043.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein, including, without limitation, any alleged publication date of the exhibit.</p> <p>FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.</p>
1019	<p>FRE 401/402/403: The exhibit is irrelevant under FRE 401 and thus inadmissible under FRE 402. The contents of this exhibit are not related to any ground instituted by the PTAB or any issue properly raised in this proceeding. To the extent this exhibit has any marginal relevance, it should be excluded under FRE 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time. Petitioner provides no evidence demonstrating that any “Ruyan devices” are the same as the subject matter described in Hon ’043.</p> <p>FRE 802: The exhibit is inadmissible hearsay if offered to prove the truth of any matter allegedly asserted therein, including, without limitation, any alleged publication date of the exhibit.</p> <p>FRE 901: Petitioner has not produced evidence sufficient</p>

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