

Filed on behalf of: Philip Morris Products, S.A.

Entered: July 12, 2021

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.

Case IPR2020-01602
Patent 9,901,123

PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Philip Morris Products, S.A. ("Petitioner"), submits the following objections to evidence submitted by Patent Owner RAI Strategic Holdings, Inc. ("Patent Owner"). Petitioner's objections apply equally to Patent Owner's reliance on this evidence in any subsequently filed documents or further proceedings in this matter. These objections are timely, having been filed and served within five business days of service. Notwithstanding these objections, Petitioner expressly reserves the right to rely on any evidence submitted by Patent Owner, including on the ground that such evidence constitutes a party admission.

Objections

Exhibit 2010

Petitioner objects to this exhibit as hearsay not falling under any exception, and as improper expert testimony under FRE 702 and 703, to the extent it impermissibly acts as a conduit for hearsay, including the hearsay objected to herein, and does not rely on the kinds of facts or data that experts in the relevant field would reasonably rely on in forming an opinion on the subject without providing the underlying facts, data, and other required disclosures.

Exhibit 2012-2015

Petitioner objects to these exhibits as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence to show that they

are authentic or self-authenticating under FRE 902. To the extent Patent Owner relies on these documents for the truth of the matter asserted, Petitioner objects to these exhibits as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Respectfully submitted,

Dated: July 12, 2021

By: / Jonathan M. Strang /

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 12th day of July, 2021, a true and correct copy of the foregoing **Petitioner's Objections to Patent Owner's Evidence** was served by electronic mail on Patent Owner's lead and backup counsel at the following email addresses:

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