

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TENNANT COMPANY,

Petitioner,

v.

OXYGENATOR WATER TECHNOLOGIES, INC.,

Patent Owner.

Case IPR2021-00625

Patent No. RE 45,415

**PETITIONER TENNANT COMPANY'S OBJECTIONS TO
OXYGENATOR WATER TECHNOLOGIES, INC'S
NOVEMBER 19, 2021 UPDATED EXHIBIT LIST**

Objections to Oxygenator Water Technologies, Inc's Updated Exhibit List

EXHIBITS AND OBJECTIONS

Exhibit #	Reference Name	Objection
2101.	Supplemental Joint Patent Case Status Report and Claim Construction Statement, dated June 9, 2021	
2102.	Briefing Order regarding Claim Construction, dated April 26, 2021	FRE 403
2103.	Amended Pretrial Order, dated May 12, 2021	FRE 402,403
2104.	Pretrial Case Management Order, dated August 8, 2020	FRE 403
2105.	Order on Joint Stipulation to Extend Deadlines for Defendant's Prior Art Chart and Invalidity Statement, Plaintiff's Prior Art Chart and Invalidity /Responsive Statement, and Narrowing of Claim Terms, dated November 17, 2020	FRE 403
2106.	Opinion and Order on Defendant's Motion to Dismiss, dated August 7, 2020	FRE 402, 403
2107.	Letter to Magistrate Judge Bowbeer from Lora M. Friedemann regarding IDR Request, dated May 3, 2021	FRE 106, 402
2108.	Tennant's Supplement to Its Invalidity Contentions and Prior Art Charts, dated February 11, 2021	FRE 106, 402
2109.	Declaration of Dr. Ralph E. White	FRE 402, 403, 602, 701, 702, 703, 802
2110.	<i>Fundamentals of Electrochemistry</i> , by V.S. Bagotsky, 2nd ed., Wiley-	FRE 106, 402, 403, 602, 802, 901, 1002

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Exhibit #	Reference Name	Objection
	Interscience, 2005, pp. 60–64, 252-257, 261-280	
2111.	Opinion and Order on Claim Construction, dated August 18, 2021	
2112.	Declaration of Todd S. Werner in Support of Patent Owner's Unopposed Motion for Pro Hac Vice Admission	
2113.	Clean Protective Order to Motion for Entry of Protective Order	
2114.	Marked Protective Order to Motion for Entry of Protective Order	
2115.	Email from Adam Steinert to OWT Counsel, dated October 4, 2021	
2116.	Declaration of Dr. Ralph E. White - SEALED	<p><u>FRE 702, 703, 37 C.F.R. §§ 42.65(a) and (b)</u> ¶¶ 17, 21, 33-36, 37-38, 40-48, 49, 50, 53- 56, 58, 63-68, 70-72, 73-74, 75, 76, 77, 78-80, 83-89, 92, 93-117, 119-122, 124-128-148 are not based on sufficient facts or data, do not disclose underlying facts or data, do not sufficiently explain the test or data in accordance with 42.65(b), and/or are not the product of reliable scientific principles and methods.</p> <p><u>FRE 402, 403</u> ¶¶21, 37-38, 48, 49, 50, 53-54, 58, 63-68, 73-74, 78-80, 83-113, 117-118, 119, 122-123, 128-129, 134</p> <p>¶¶7, 86, 181, 183, 186, 191, 192, 197, 198, 205, 206 are not relevant;</p>

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		<p>to the extent they are relevant, their probative value is outweighed by the danger of causing unfair prejudice and confusing the issues because they improperly characterize a document or general knowledge.</p> <p>In addition, Petitioner objects to Exhibit 2116 under FRE 1002 because it incorporates other documents without providing copies of the originals</p> <p>Petitioner objects to Exhibit 2116 under FRE 801, 802, and 805 as containing hearsay and/or hearsay within hearsay. To the extent Patent Owner relies on the contents of these exhibits for the truth of the matter asserted, including statements regarding dates of communication, editing, or creation, Petitioner objects to such content as inadmissible hearsay and/or hearsay within hearsay that does not fall under any exception.</p> <p>Petitioner also objects to Exhibit 2116 under FRE 901 because sufficient evidence has not been provided to establish the authenticity of copied exhibits to prove that they are what Petitioner says they are or that they were kept in the ordinary course of business.</p>
2117.	Declaration of Dr. Ralph E. White - REDACTED	FRE 402, 403, 702, 703, 802, 901, 1002, 37 C.F.R. §§ 42.65(a) and (b)
2118.	Joint Claim Construction Appendix Part 1	FRE 402, 403, 802, 901

Objections to Oxygenator Water Technologies, Inc.'s Updated Exhibit List

Exhibit #	Reference Name	Objection
2119.	Joint Claim Construction Appendix Part 2	FRE 402, 403, 802, 901
2120.	Joint Patent Case Status Report and Claim Construction Statement, dated April 9, 2021	FRE 402, 403
2121.	Exhibit B to the Joint Patent Case Status Report and Claim Construction Statement, dated April 13, 2021	
2122.	Exhibit A to the Joint Patent Case Status Report and Claim Construction Statement, dated April 13, 2021	FRE 402, 403, 602, 802
2123.	Supplemental Joint Patent Case Status Report and Claim Construction Statement, dated June 9, 2021	FRE 402, 403
2124.	Amended Exhibit A to the Joint Patent Case Status Report and Claim Construction Statement, dated June 9, 2021	FRE 402, 403, 602, 801, 802
2125.	Exhibit B to the Joint Patent Case Status Report and Claim Construction Statement, dated June 9, 2021	FRE 402, 403
2126.	Tennant's Opening Claim Construction Brief, dated June 10, 2021	FRE 402, 403
2127.	Declaration of Cara S. Donels, dated June 10, 2021	
2128.	Exhibit A to Declaration of Cara S. Donels, dated June 10, 2021	FRE 402, 403, 901, 1002
2129.	Oxygenator Water Technologies, Inc.'s Opening Claim Construction Brief, dated June 10, 2021 - SEALED	FRE 402, 403, 802

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