

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ARKEMA INC. AND ARKEMA FRANCE,  
Petitioner,

v.

HONEYWELL INTERNATIONAL INC.,  
Patent Owner.

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PGR2016-00011  
Patent No. 9,157,017

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**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE**

The Federal Rules of Evidence (“FRE”) generally apply to proceedings before the Board. 37 C.F.R. § 42.62(a). Pursuant to 37 C.F.R. § 42.64(b)(1) and the FRE, Petitioner Arkema Inc. and Arkema France (“Arkema” or “Petitioner”) submits the following objections to certain exhibits submitted by Patent Owner Honeywell International Inc. (“Honeywell” or “Patent Owner”). These objections apply equally to Patent Owner’s reliance on these exhibits in any subsequently filed documents. These objections are timely filed and served within five business days of service of Patent Owner’s exhibits submitted on January 10, 2020.

### **Exhibits 2167 and 2168**

Arkema objects to Exhibits 2167 and 2168 under FRE 403 as being unfairly prejudicial absent cross-examination.

Arkema also objects to Exhibits 2167 and 2168 under FRE 602 as lacking sufficient support to find that Mr. Joseph Posillico has personal knowledge of the subject matters thereof.

Arkema further objects to Exhibits 2167 and 2168 under FRE 701 as improperly offering expert testimony via a fact witness.

Arkema also objects to Exhibits 2167 and 2168 as inadmissible hearsay and hearsay within hearsay (*see* FRE 801, 802, 805) that does not fall under any exceptions (*e.g.*, FRE 803, 804, and 807).

**Exhibits 2169, 2170, and 2171**

Arkema objects to Exhibits 2169, 2170, and 2171 under FRE 401-403 as lacking relevance to the grounds on which the Board has instituted post-grant review. In particular, these exhibits do not make any fact more or less probable than it would be without it. These exhibits are unfairly prejudicial, confuse the issues, mislead the factfinder, and/or are a waste of time.

Arkema also objects to Exhibits 2169, 2170, and 2171 as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions (*e.g.*, FRE 803, 804, and 807).

Respectfully submitted,

Date: January 17, 2020

By: /Erin M. Sommers/  
Erin M. Sommers (Reg. No. 60,974)  
FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Back-up Counsel for Petitioner  
Arkema Inc. and Arkema France

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing **Petitioner's Objections to Patent Owner's Evidence** was served electronically via email on January 17, 2020, in its entirety on the following:

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Patent Owner has consented to electronic service by email.

Date: January 17, 2020

By: /William Esper/  
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