**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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NANOBEBE US INC.
Petitioner

v.

MAYBORN (UK) LIMITED,
Patent Owner

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IPR2023-00467
U.S. Patent No. 10,952,930

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# PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64

*Submitted Electronically via the Patent Trial and Appeal Case Tracking System*

Pursuant to 37 C.F.R. § 42.64(b)(1), Nanobebe, Inc. ("Petitioner") objects under the Federal Rules of Evidence to the admissibility of the following evidence submitted by Patent Owner, Mayborn, Inc. ("Patent Owner") filed with its Patent Owner's Preliminary Response on April 25, 2023 (Paper 6), and its Patent Owner's Preliminary Sur-Reply to Petitioner's Preliminary Response on May 12, 2023 (Paper 10). Petitioner files and serves Patent Owner with these objections to provide notice that Petitioner may move to exclude the following evidence under 37 C.F.R. § 42.64(c). These objections are made on June 30, 2023, and are made within ten (10) business days of the June 16, 2023, Institution Decision (Paper 11) as required under 37 C.F.R. § 42.64(b)(1).

## I. Exhibit 2003

Petitioner objects to this exhibit to the extent that it is an excerpt and not the complete document pursuant to FRE 106. Petitioner further objects to this exhibit as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence that the document is authentic nor that the document is self-authenticating under FRE 902. To the extent Patent Owner relies on the contents of this exhibit for the truth of the matter asserted, Petitioner objects to such content as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807. Petitioner further objects to this exhibit under Rule 403 as irrelevant and unduly prejudicial.

## II. Exhibits 2007, 2011, 2012

Petitioner objects to these exhibits to the extent Patent Owner relies on the contents of this exhibit for the truth of the matter asserted, Petitioner objects to such content as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

## III. Exhibits 2005, 2007, 2009 – 2013

Petitioner objects to these exhibits under Rule 401/402 to the extent they were relied on exclusively in Patent Owner's filings (e.g., Papers 6 and 10) to support Patent Owner's *General Plastics* analysis, which was resolved in the Petitioner's favor (Paper 11), and are therefore irrelevant to any of the issues remaining in this *inter partes* review. For the same reasons, Petitioner objects to these exhibits under Rule 403 as irrelevant and unduly prejudicial, to the extent that these documents are not cited to and/or are irrelevant to the arguments regarding the remaining issues actually raised in the Patent Owner Preliminary Response filed in this Proceeding.

## IV. Exhibits 2007, 2012

Petitioner further objects to Exhibits 2007 and 2012 as not properly authenticated under FRE 901 because Patent Owner has not presented sufficient evidence that the document is authentic nor that the document is self-authenticating under FRE 902.

Petitioner reserves the right to raise additional objections to these Exhibits after the Patent Owner Response is filed, when Petitioner is better able to ascertain the relevance (if any) of these Exhibits to this Proceeding.

/Eliot D. Williams/
Eliot D. Williams (Reg. No. 50,822)
BAKER BOTTS L.L.P.

Date: June 30, 2023

## CERTIFICATE OF SERVICE

In accordance with 37 C.F.R. §§ 42.6(e) and 42.105, the undersigned hereby certifies that on this 30th day of June 2023, a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**, were served to Patent Owner via electronic mail to:

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/Eliot D. Williams/
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Date: June 30, 2023

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