

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VANTAGE SPECIALTY CHEMICALS, INC.

Petitioner,

v.

CARGILL, INCORPORATED,

Patent Owner

Case IPR2023-00589
U.S. Patent 11,248,245

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

Patent Owner, Cargill Inc., hereby submits the following objections,
pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (F.R.E.), to
certain exhibits submitted filed by Petitioner Vantage Specialty Chemicals, Inc.

<u>Ex. No.</u>	<u>Objections</u>
Ex. 1041 (Deposition Transcript of Dr. Thomas Schultz)	Patent Owner incorporates the real-time objections made by Patent Owner’s counsel at Dr. Thomas Schultz’s deposition reflected in Exhibit 1041, to the extent that such objections relate to portions of Exhibit 1041 that are cited in Petitioner’s Reply.
Ex. 1045 (Confidential Petitioner Document VANTAGE_00117301-303)	Patent Owner objects to the admissibility of Exhibit 1045 under Fed. R. Evid. 801-802 (hearsay) and Fed. R. Evid. 901 (authentication). Exhibit 1045 is inadmissible hearsay. Patent Owner offers statements in this document to prove the truth of the matter asserted: • “Third, the evidence at most indicates that Petitioner was seeking—as is routine in this industry—to replicate Floratech’s products’ ‘sensory attributes’ because their customer, Chattem, demanded a product that matched the ‘feel’ of a Floratech product...EX-1045, 1 (‘Goals...Modify the process for DWJ 20, 60, and 30 to meet customer’s requests’).” (other citations omitted) Further, Patent Owner has not established Exhibit 1045 as self-authenticating, nor has Patent Owner authenticated this document as required by Fed. R. Evid. 901. <i>See, e.g., TRW Automotive U.S. LLC v.</i>

	<i>Magna Elecs. Inc.</i> , IPR2014-01347, Paper 25 at 5-12 (PTAB Jan. 15, 2016) (granting motion to exclude exhibit that was not self-authenticating and was not shown to be authentic).
Ex. 1046 (Confidential Petitioner Document VANTAGE_00005872-5886)	Patent Owner objects to the admissibility of Exhibit 1046 under Fed. R. Evid. 801-802 (hearsay) and Fed. R. Evid. 901 (authentication). Exhibit 1046 is inadmissible hearsay. Patent Owner offers statements in this document to prove the truth of the matter asserted: • “Third, the evidence at most indicates that Petitioner was seeking—as is routine in this industry—to replicate Floratech’s products’ ‘sensory attributes’ because their customer, Chattem, demanded a product that matched the ‘feel’ of a Floratech product...EX-1046, 9 (‘To generate comparable feel to Floratech esters to gain business at Chattem.’).” (other citations omitted) Further, Patent Owner has not established Exhibit 1046 as self-authenticating, nor has Patent Owner authenticated this document as required by Fed. R. Evid. 901. <i>See, e.g., TRW Automotive</i>, Paper 25 at 5-12.

For at least these reasons, Patent Owner objects to Exhibits 1041, 1045, and 1046, and reserves the right to move to exclude Exhibits 1041, 1045, and 1046.

Respectfully submitted,

Date: 3/5/2024

/Casey Kraning/

Casey Kraning, admitted *pro hac vice*

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Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on March 5, 2024, a complete and entire copy of this Patent Owner's Objections to Petitioner's Evidence were provided via email, to the Petitioner by serving the email correspondence addresses of record as follows:

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