UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAYER CROPSCIENCE LP AND MONSANTO COMPANY,
Petitioners,

v.

CORTEVA AGRISCIENCE LLC.
Patent Owner.

IPR2023-01038
Patent No. 11,299,745

PATENT OWNER'S OBJECTIONS TO PETITIONERS' EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence ("FRE"), Patent Owner Corteva Agriscience LLC submits the following objections to evidence submitted by Petitioners Bayer CropScience LP and Monsanto Company ("Petitioners") with their Petition. These objections are timely filed and served within ten business days of the Board's decision to institute trial in this proceeding.

Exhibits 1012, 1013, 1014, 1015, and 1016

Patent Owner objects to Exhibits 1012, 1013, 1014, 1015, and 1016 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of these Exhibits. Exhibits 1012, 1013, 1014, 1015, and 1016 purport to be website printouts allegedly dated 2008 or later and are not self-authenticating.

Exhibits 1018, 1019, 1020, 1023, 1024, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1057, 1058, 1059, 1060, and 1062

Patent Owner objects to Exhibits 1018, 1019, 1020, 1023, 1024, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1057, 1058, 1059, 1060, and 1062 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of these Exhibits. The Exhibits are not self-authenticating. The Exhibits are missing a journal cover and any otherwise reliable source information. To the extent Petitioners rely on the Exhibits as printed publication

prior art, Patent Owner objects to Exhibits 1018, 1019, 1020, 1023, 1024, 1027, 1028, 1029, 1031, 1032, 1033, 1034, 1035, 1036, 1037, 1038, 1040, 1041, 1042, 1044, 1045, 1046, 1047, 1048, 1051, 1052, 1057, 1058, 1059, 1060, and 1062 as not having any library stamp or any other evidence to show that they had been publicly available to skilled artisans at the time of the invention. To the extent Petitioners rely on the content of these Exhibits for the truth of the matter asserted, Patent Owner objects to the Exhibits as inadmissible hearsay (see FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807. Patent Owner also objects to Exhibits 1019, 1020, 1035, and 1062 as not relevant, confusing, unfairly prejudicial, and not helpful to the trier of fact under FRE 401, 402, and 403.

Exhibits 1022, 1025, 1026, and 1039

Patent Owner objects to Exhibits 1022, 1025, 1026, and 1039 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of the Exhibits. Exhibits 1022, 1025, 1026, and 1039 are not self-authenticating. Patent Owner also objects to Exhibits 1022, 1025, and 1039 as incomplete under FRE 106 because they represent only excerpts of books. To the extent Petitioners rely on the Exhibits as printed publication prior art, Patent Owner objects to the Exhibits as not having any library stamp or any other evidence to show that they had been publicly available to skilled artisans at the time of the invention. To the extent Petitioners rely on the content of Exhibits 1022, 1025, 1026, and 1039

for the truth of the matter asserted, Patent Owner objects to those Exhibits as inadmissible hearsay (see FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807.

Exhibit 1053

Patent Owner objects to Exhibit 1053 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish its authenticity. Exhibit 1053 is not self-authenticating. To the extent Petitioners rely on the content of Exhibit 1053 for the truth of the matter asserted, Patent Owner objects to Exhibit 1053 as inadmissible hearsay (see FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807. Patent Owner also objects to Exhibit 1053 as not relevant, confusing, unfairly prejudicial, and not helpful to the trier of fact under FRE 401, 402, and 403.

Dated: January 4, 2024

/Pier D. DeRoo/
Pier D. DeRoo, Reg. No. 69,340
Lead Counsel for Patent Owner
Corteva Agriscience LLC

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Patent Owner's Objections to Petitioners' Evidence** was served electronically via email on January 4, 2024, in its entirety on the following:

Dov P. Grossman
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Petitioner has consented to service by email.

Dated: January 4, 2024

/William Esper/
William Esper
Case Manager and PTAB Coordinator
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP