

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAYER CROPSCIENCE LP, MONSANTO COMPANY, AND INARI
AGRICULTURE, INC.¹

Petitioners,

v.

CORTEVA AGRISCIENCE LLC,
Patent Owner.

Case No. IPR2023-01038
U.S. Patent No. 11,299,745

**PETITIONERS' OBJECTIONS TO EVIDENCE OF
PATENT OWNER CORTEVA AGRISCIENCE LLC
FILED AND SERVED WITH PATENT OWNER'S SUR-REPLY**

¹ The Board joined Inari Agriculture, Inc. as a party (Petitioner) to this proceeding via a Motion for Joinder in IPR2024-00181.

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners Bayer CropScience LP and Monsanto Company (collectively, “Petitioners”) submit the following objections to the admissibility of evidence filed and served by Patent Owner Corteva Agriscience LLC accompanying its Patent Owner’s Sur-Reply (Paper 34). Petitioners reserve the right to rely on Patent Owner’s exhibits for any purpose for which they are admissible.

Exhibit	Objections
Transcript from Deposition of Dr. Hausinger (Aug. 1, 2024) (CONFIDENTIAL and Public Versions)	FRE 106: The exhibit is an incomplete and/or inaccurate transcript of the August 1, 2024 Deposition of Dr. Robert P. Hausinger because the transcript does not include any forthcoming errata sheet. To the extent the witness submits an errata sheet, it must in fairness be considered at the same time as the exhibit. 37 CFR § 42.23(b), FRE 402, 403: To the extent that Patent Owner cites this exhibit to rely upon the discussions of EX2062 or 2065, the exhibit is not relevant to support patentability on which any ground upon which trial was instituted. Therefore, any probative value would be substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, and wasting time. Moreover, such reliance would be an improper attempt to circumvent § 42.23(b), which provides that Patent Owner’s sur-reply “may not be accompanied by new evidence other than deposition

	transcripts of the cross-examination of any reply witness.”
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Dated: August 23, 2024

Respectfully submitted,

/Ben Picozzi/

Ben Picozzi

Reg. No. 76,862

Backup Counsel for Petitioners

CERTIFICATE OF SERVICE
(37 C.F.R. § 42.6(e))

The undersigned hereby certifies that on August 23, 2024, I caused a true and correct copy of the foregoing Petitioners' Objections to Evidence of Patent Owner Corteva Agriscience LLC Filed and Served with Patent Owner's Sur-Reply to be served on the following via e-mail at:

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Date: August 23, 2024