

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OMEGA LINER COMPANY, INC.,

Petitioner

v.

BUERGOFOL GmbH,

Patent Owner.

IPR2023-01372

Patent 9,657,882 B2

PETITIONER'S OBJECTIONS TO EVIDENCE
UNDER 37 C.F.R. § 42.64(B)(1) - DECLARATION
OF ABDEL-KADER BOUTRID (EXHIBIT 2004)

Pursuant to 37 C.F.R. §42.64(b)(1) and the Federal Rules of Evidence (“Fed. R. Evid.”), Petitioner Omega Liner Company, Inc. objects to the admissibility of certain evidence in the Declaration of Abdel-Kader Boutrid (Exhibit 2004) filed on June 27, 2024 in support of Patent Owner’s Response (Paper No. 13). These objections have been timely filed and served within five business days of Patent Owner’s Response.

Evidence Filed by Patent Owner	Petitioner’s Objections
Exhibit 2004, Declaration of Abdel-Kader Boutrid (“Decl. of Boutrid”), ¶¶ 6-11.	Fed. R. Evid. 801, 802 – hearsay – regarding intent of or path taken by the inventors, purported problems or lack of problems, purported discovery of same and purported improvement and solutions of U.S. Patent No. 9,657,882 (“the ’882 Patent”).
Exhibit 2004, Decl. of Boutrid, ¶¶ 9, 10.	Fed. R. Evid. 702, 703, and 37 C.F.R. 42.65 – improper legal conclusions – German patents and applications, their meaning and what they disclose and claim.
Exhibit 2004, Decl. of Boutrid, ¶¶ 12-23, 31-36.	Fed. R. Evid. 801, 802 – hearsay – regarding research, testing, experimentation, intent of or path taken by the inventors, purported problems, purported discovery of same and purported improvement and solutions of the ’882 Patent, discussions with and

	knowledge of Dr. Kurt Stark, and Huhtamaki's manufacture of inner film.
Exhibit 2004, Decl. of Boutrid, ¶¶ 24-30, 37-59.	Fed. R. Evid. 801, 802 – hearsay – regarding research, testing, experimentation, intent of or path taken by the inventors, purported problems, purported discovery of same and purported improvement and solutions of the '882 Patent.

Dated: July 3, 2024

Respectfully submitted,

/Michael S. Neustel/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing PETITIONER’S OBJECTIONS TO EVIDENCE UNDER 37 C.F.R. § 42.64(B)(1) - DECLARATION OF ABDEL-KADER BOUTRID (EXHIBIT 2004), was served by filing this document on the date indicated below through the Patent Trial and Appeal Case Tracking System (P-TACTS) and via e-mail to the following attorneys of record for the Patent Owner listed below:

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Respectfully submitted,

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