

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPECTRUM SOLUTIONS, L.L.C.,
Petitioner,

v.

DNA GENOTEK INC.,
Patent Owner.

Patent No. 11,536,632

Inter Partes Review No. IPR2023-01424

**PATENT OWNER'S OBJECTION TO EVIDENCE
SUBMITTED WITH PETITIONER'S OPPOSITION TO PATENT
OWNER'S REVISED NON-CONTINGENT MOTION TO AMEND**

Patent Owner DNA Genotek, Inc. (“Patent Owner”) hereby objects to the following evidence that was submitted by Petitioner Spectrum Solutions LLC (“Petitioner”) with the Petitioner’s Opposition to Patent Owner’s Revised Non-Contingent Motion to Amend (Paper 32) in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely filed and served within five (5) business days of service of the Petitioner’s Opposition to Patent Owner’s Revised Non-Contingent Motion to Amend, which was filed on December 13, 2024.

A. Exhibit 1041 (Declaration of Karl R. Leinsing, MSME, PE, in Support of Petitioner’s Opposition to Patent Owner’s Revised Non-Contingent Motion to Amend)

Patent Owner objects to Exhibit 1041 as lacking foundation, assuming facts not in evidence, containing legal conclusions, and mischaracterizing the evidence. Patent Owner further objects to Exhibit 1041 to the extent it includes expert opinions for which the factual bases have not been disclosed, for which Mr. Leinsing does not have personal knowledge (FRE 602), and to the extent that Mr. Leinsing’s opinions constitute unreliable and prejudicial expert testimony under FRE 702 and 703.

Patent Owner further objects to the portions of Exhibit 1041 not discussed or cited in Petitioner’s Opposition to the Revised Motion to Amend as irrelevant.

B. Exhibit 1042 (Saint Gobain Performance Plastics Brochure for Stopcock Valves)

Patent Owner objects to Exhibit 1042 as lacking foundation and lacking authentication under FRE 901. Patent Owner objects to this exhibit as containing hearsay to the extent that Petitioner appears to rely on it to prove the truth of any matter described therein under Federal Rules of Evidence 801 and 802. For example, Petitioner fails to offer that Exhibit 1042 was publicly accessible in its presented form as of the alleged publication date. Patent Owner further objects to Exhibit 1042 as incomplete and out of context (Fed. R. Evid. 106).

Dated: December 18, 2024

Respectfully submitted,

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Counsel for Patent Owner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PATENT OWNER'S OBJECTION TO EVIDENCE SUBMITTED WITH PETITIONER'S OPPOSITION TO PATENT OWNER'S REVISED NON-CONTINGENT MOTION TO AMEND was served as of the below date via e-mail (by agreement) to the following counsel of record for the Petitioner:

Ali S. Razai (Reg. No. 60,771)
Joseph F. Jennings (Reg. No. 40,664)
Paul N. Conover (Reg. No. 44,087)
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Dated: December 18, 2024

/Mehran Arjomand/
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