

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHEMTRONICS USA, INC.,
Petitioner,

v.

FLATFROG LABORATORIES AB,
Patent Owner

Case: IPR2024-00014

U.S. Patent No. 11,281,335

**PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH
PETITIONER'S PETITION FOR *INTER PARTES* REVIEW**

Mail Stop **Patent Board**
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner FlatFrog Laboratories AB (“FlatFrog” or “Patent Owner”) respectfully asserts the following objections to the evidence proffered with Petitioner’s Petition for *Inter Partes* Review (“Petition”) filed by Petitioner Chemtronics USA, Inc., (hereinafter “Petitioner” or “Chemtronics”) regarding the claims of U.S. Patent No. 11,281,335 (“the ’335 Patent”). The Federal Rules of Evidence (“FRE”) apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Patent Owner’s objections apply equally to Petitioner’s reliance on or citation to any objected evidence in its papers, including expert declarations. These objections are being served and filed within 10 business days from the institution of trial on April 22, 2024.

Evidence	Description
Ex. 1014	Exhibit 1014 is U.S. Patent Application Publication No. 2012/0223916 to Kukulj et al. Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1015	Exhibit 1015 is U.S. Application Publication No. 2016/0295711 to Ryu et al. Patent Owner objects to this exhibit as irrelevant under

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	FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1016	Exhibit 1016 is U.S. Application Publication No. 2013/0044073 to Christiansson et al. Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1017	Exhibit 1017 is the Redacted Joint Claim Construction Brief (D.E. 110) FlatFrog v. Promethean C.A. No. 19-2246 (D. Del.). Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1018	Exhibit 1018 is <i>FlatFrog Laboratories AB v. Chemtronics Co., LTD.</i>, Case No. 2:23-cv-00306 (E.D. TX), filed on June 26, 2023. Patent Owner further objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1027	Exhibit 1027 is US Patent Application No. 12/893,381 to Miller et al. Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1028	Exhibit 1028 is Chinese Published Patent Application CN104808843A to Kang. Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1029	Exhibit 1029 is a Certified Translation of Chinese Published Patent Application CN104808843A to Kang.

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	Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1030	Exhibit 1030 is U.S. Patent No. 9,207,800 to Eriksson et al. Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1032	Exhibit 1032 purports to be the Prosecution History for U.S. Patent No. 11,281,335 to Kocovski et al. Patent Owner objects to this exhibit as prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner further objects under FRE 901 to the extent this exhibit does not constitute the complete file history.
Ex. 1033	Exhibit 1033 is the Expert Declaration of Darran R. Cairns, Ph.D., regarding U.S. Patent No. 11,281,335. Patent Owner objects to this exhibit under FRE 702 because the witness is not qualified as an expert on the subject matter at issue by knowledge, skill, experience, training or education. Patent Owner also objects to this exhibit as not based on sufficient facts or data under FRE 702(b); as not being the product of reliable principles and methods under FRE 702(c); and as not reliably applying the principles and methods to the facts of this case under FRE 702(d). Patent Owner further objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1034	Exhibit 1034 is U.S. Patent Pub. No. 20160334942 to Wassvik et al.

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	Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1035	Exhibit 1035 is U.S. Patent Pub. No. 10860142 to Northcott et al. Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1036	Exhibit 1036 is U.S. Patent Pub. No. 2017/0308236 to Lee et al. Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1038	Exhibit 1038 is the Claim Chart for US Patent No. 11,281,335 (Case No. 2:23-cv-00306) (E.D. TX). Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

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Dated: May 6, 2024

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of May, 2024, a copy of the attached
**PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH
PETITIONER'S PETITION FOR *INTER PARTES* REVIEW** was served by
electronic mail to the attorneys of record, at the following addresses:

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