

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHEMTRONICS USA, INC.,
Petitioner,

v.

FLATFROG LABORATORIES AB,
Patent Owner

Case: IPR2024-00015

U.S. Patent No. 10,775,935

**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. 10,775,935 (“the ’935 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. 1002	<p>Exhibit 1002 is the Expert Declaration of Darran R. Cairns, Ph.D., regarding U.S. Patent No. 10,775,935.</p> <p>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</p>

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	<p>the principles and methods to the facts of this case under FRE 702(d).</p> <p>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.</p>
Ex. 1013	<p>Exhibit 1013 purports to be the Prosecution History for U.S. Patent No. 10,775,935 to Kocovski et al.</p> <p>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.</p>
Ex. 1014	<p>Exhibit 1014 is U.S. Patent Application Publication No. 2012/0223916 to Kukulj et al.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1015	<p>Exhibit 1015 is U.S. Application Publication No. 2016/0295711 to Ryu et al.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1016	<p>Exhibit 1016 is U.S. Application Publication No. 2013/0044073 to Christiansson et al.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1017	<p>Exhibit 1017 is the Redacted Joint Claim Construction Brief (D.E. 110) FlatFrog v. Promethean C.A. No. 19-2246 (D. Del.).</p>

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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. 1018	<p>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.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1019	<p>Exhibit 1019 is the Claim Chart for US Patent No 10,775,935 (Case No. 2:23-cv-00306 (E.D. TX)).</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1020	<p>Exhibit 1020 is <i>FlatFrog Laboratories AB v. Promethean Limited et al</i>, Case No. 1-19-cv-02246 (D. De), filed on December 10, 2019.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1021	<p>Exhibit 1021 is <i>FlatFrog Laboratories AB v. Promethean Limited et al</i>, IPR2022-00065 (filed October 16, 2021) (Petition for Inter Partes Review of US Patent 10,775,935).</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1022	Exhibit 1022 is <i>FlatFrog Laboratories AB v. Promethean Limited et al</i> , IPR2022-00065 Paper No. 12 (PTAB April 18, 2022) (Decision).

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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. 1023	<p>Exhibit 1023 is ASTM C1048-18, Standard Specification for Heat-Strengthened and Fully Tempered Flat Glass (2018).</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1024	<p>Exhibit 1024 is ASTM C1048-12, Standard Specification for Heat-Strengthened and Fully Tempered Flat Glass (2012).</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1025	<p>Exhibit 1025 is Jonathan Barr, <i>The Glass Tempering Handbook</i> (2015).</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1026	<p>Exhibit 1026 is EN 12150-1:2015, Glass in Building – Thermally toughened soda lime silicate safety glass.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1027	<p>Exhibit 1027 is US Patent Application No. 12/893,381 to Miller et al.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>

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Ex. 1028	<p>Exhibit 1028 is Chinese Published Patent Application CN104808843A to Kang.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1029	<p>Exhibit 1029 is a Certified Translation of Chinese Published Patent Application CN104808843A to Kang.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1030	<p>Exhibit 1030 is U.S. Patent No. 9,207,800 to Eriksson et al.</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>

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Dated: May 6, 2024

Respectfully submitted,

By:/ B. Clayton McCraw/
B. Clayton McCraw
Registration No. 68,258
MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020-1001
Telephone: (212) 506-2649
CMcCraw@mayerbrown.com

Cliff A. Maier
Registration No. 59,526
Mayer Brown LLP
3000 El Camino Real
Palo Alto, CA 94206-2112
Telephone: 650-331-2026
CMaier@mayerbrown.com

Michael A. Molano
Registration No. 39,777
Mayer Brown LLP
3000 El Camino Real
Palo Alto, CA 94206-2112
Telephone: 650-331-2035
MMolano@mayerbrown.com

Amanda Streff Bonner
Registration No. 65,224
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: 312-701-8645
asbonner@mayerbrown.com

Counsel for Patent Owner

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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:

Matthew W. Johnson
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
mwjohnson@jonesday.com

Joshua R. Nightingale
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
jrnightingale@jonesday.com

Ashvi S. Patel
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
ashvipatel@jonesday.com

Stephen M. Bradley
JONES DAY
1221 Peachtree Street N.E.,
Suite 400
Atlanta, GA 30361
sbradley@jonesday.com

Christian A. Roberts
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
croberts@jonesday.com

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B. Clayton McCraw
Registration No. 68,258
MAYER BROWN LLP
1221 Avenue of the Americas
New York, NY 10020-1001
Telephone: (212) 506-2649
CMcCraw@mayerbrown.com

Cliff A. Maier
Registration No. 59,526
Mayer Brown LLP
3000 El Camino Real
Palo Alto, CA 94206-2112
Telephone: 650-331-2026
CMaier@mayerbrown.com

Michael A. Molano
Registration No. 39,777
Mayer Brown LLP
3000 El Camino Real
Palo Alto, CA 94206-2112
Telephone: 650-331-2035
MMolano@mayerbrown.com

Amanda Streff Bonner
Registration No. 65,224
Mayer Brown LLP
71 S. Wacker Drive
Chicago, IL 60606
Telephone: 312-701-8645
asbonner@mayerbrown.com

Counsel for Patent Owner