UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

NEURENT MEDICAL INC. & NEURENT MEDICAL LTD.,
Petitioners,

v.

AERIN MEDICAL, INC.,
Patent Owner.

Case No. IPR2024-00278
Patent No. 11,033,318

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Mail Stop PATENT BOARD
U.S. Patent & Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Aerin Medical, Inc. ("Patent Owner") hereby objects to the admissibility of evidence submitted by Petitioners Neurent Medical Inc. and Neurent Medical Ltd. (collectively, "Petitioners") with their Petitioners' Reply to Patent Owner's Response ("Reply"), as set forth below. The following exhibits are inadmissible based on either the rules of these proceedings or the Federal Rules of Evidence ("FRE").

Patent Owner objects to Exhibit 1083 (Reply Declaration of Dr. Martin) to the extent it includes expert opinions for which the factual bases have not been disclosed, for which Dr. Martin does not have personal knowledge (FRE 602), or to the extent that Dr. Martin's opinions constitute unreliable expert testimony, are conclusory, and/or lack sufficient explanation under FRE 702 and 703. Additionally, Patent Owner objects to Exhibit 1083 because there has not been an adequate showing that Dr. Martin's testimony is the product of reliable facts or data, and there is no indication that the testimony will help the Board understand the evidence or determine a fact in issue. Patent Owner also objects to Exhibit 1083 as hearsay under FRE 801-802 because Dr. Martin's testimony is at least partially based on documents which themselves are both unauthenticated and hearsay.

Patent Owner further objects to Exhibits 1091 and 1093 under FRE 901-903. Petitioners have not submitted sufficient evidence to authenticate these exhibits or

to otherwise establish that they are what Petitioners claim them to be. Additionally, to the extent Petitioners rely on Exhibits 1091 and/or 1093 for the truth of the matters they assert, Patent Owner objects to these exhibits as inadmissible hearsay. FRE 801-802.

Patent Owner also objects to Exhibits 1085, 1086, 1088, 1089, 1090, 1094, and 1095 because Petitioners fail to cite any portion of these exhibits in their Reply. Accordingly, these exhibits are irrelevant, and their submission with the Reply is prejudicial, confusing, and a waste of time. FRE 401-403.

Patent Owner also objects to Exhibits 1091 and 1093 under FRE 401-403 as each one lacks relevance to this proceeding. Further, the probative value of each of these Exhibits is substantially outweighed by the danger of unfair prejudice, confusing the issues, and misleading the factfinder.

Patent Owner reserves the right to revise, modify, or assert additional or further objections.

Dated: January 24, 2025

Respectfully submitted,

/s/ Heath J. Briggs

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the below date, I caused the forgoing to be served by electronic mail to the following:

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/s/ Heath J. Briggs
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