

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOWMAR ARCHERY LLC Petitioner,

v.

VETERAN'S INNOVATIVE PRODUCTS, LLC Patent Owner.

Patent No. 8,043,177

Filing Date: July 7, 2008

Issue Date: October 25, 2011

Title: **ARROWHEAD HAVING COLLAPSIBLE AND OUTWARDLY
BIASED BLADES**

Inter Partes Review No.: IPR2024-00401

**PATENT OWNER OBJECTIONS TO PETITIONER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

EX1022 EX1023 EX1024 EX1025 EX1026 EX1035 EX1036 EX1037 EX1046 ¶¶ 9-12, 21-25, 29-32, 36, 42, 44-48, 53, 55-59, 77	• FRE 107 – Illustrative aids will mislead the trier of fact • FRE 401 – Inadmissible as it will not make the finding of fact any more or less probable • FRE 901 as there is no indication as to who made the figures. The figures were not part of the Petition. Further, Figures 1022-1026 were first disclosed in the deposition of Wayne Willkomm. Objections were made at the time of disclosure during the deposition. • 37 CFR 42.65(a) Expert failed to disclose underlying facts or data giving rise to the illustrative aid. • Petitioner is relying on these exhibits to support a ground, which at this late stage of the proceeding is improper because it has no right to submit new evidence to support its grounds for unpatentability that it could have presented in the Petition. Consolidated Trial Practice Guide (Nov. 2019) at 73–74, esp. 73 (“Petitioner may not submit new evidence or argument in reply that it could have presented earlier.”).
EX1027 EX1032 EX1033	• FRE 401 – These exhibits are not referenced in the reply and thus inadmissible as it will not make the finding of fact any more or less probable
EX1028 EX1029 EX1030 EX1031	• These exhibits are not referenced in Petitioner’s Reply and are only referenced in a declaration (Exhibit 1046). This is an attempt to avoid the word limits imposed on the Reply. Because Petitioner does not discuss these exhibits in the Reply, it is therefore, not proper evidence to be considered in support of the

EX1038	issues to be decided and thus, is not relevant. <i>See</i> 37 C.F.R. § 42.6(a)(3). • FRE 401, 703 – Inadmissible as it will not make the finding of fact any more or less probable; relying on inadmissible evidence • FRE 703 - relying on evidence not in the record • Petitioner is relying on these exhibits to support a ground, which at this late stage of the proceeding is improper because it has no right to submit expert testimony and adding new exhibits addressing the construction of the term “blade” when it could have presented this in the Petition. Consolidated Trial Practice Guide (Nov. 2019) at 73–74, esp. 73 (“Petitioner may not submit new evidence or argument in reply that it could have presented earlier.”).
EX1039	
EX1042	
EX1043	
EX1044	
EX1045	
EX1048	
EX1049	
EX1046 ¶¶ 98 a, b, 102, 104, 105, 123	
EX1047 ¶¶ 21, 23, 28	
EX1047	• ¶ 24 This paragraph is objectionable under FRE 401, 402, 403, and 702, because statements in the indicated section (i) will not help the Board understand the evidence or determine a fact in issue; (ii) are irrelevant; (iii) lack probative value and their probative value is substantially outweighed by the risk of undue prejudice, confusion, misleading of the factfinder, and wasting time; and (iv) not proper testimony by an expert as he applies the definition of a blade for a helicopter to an archery application. • Petitioner is relying on this exhibit to support a ground, which at this late stage of the proceeding is

	improper because it has no right to submit expert testimony addressing the construction of the term “blade” when it could have presented this with the Petition Consolidated Trial Practice Guide (Nov. 2019) at 73–74, esp. 73 (“Petitioner may not submit new evidence or argument in reply that it could have presented earlier.”).
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that I caused a true and correct copy of this **PATENT OWNER OBJECTIONS TO PETITIONER’S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)** to be served electronically, December 23, 2024, on the following:

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