

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABBOTT LABORATORIES AND
ABBOTT DIABETES CARE INC.,

Petitioner,

v.

ALTIVERA LLC,

Patent Owner.

Case No. IPR2024-00425

Patent No. 7,969,307 B2

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

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Altivera LLC objects to Exhibits 1002 and 1003 submitted by Petitioners Abbott Laboratories and Abbott Diabetes Care Inc. with their Petition (Paper 2) filed January 16, 2024. The objection is based on 37 C.F.R. Part 42, and the relevant portions of Federal Rules of Evidence (“F.R.E.”) that apply to *inter partes* review proceedings under 37 C.F.R. § 42.62. The objection has been timely filed and served within ten business days of issuance of the Institution Decision.

II. OBJECTIONS TO EVIDENCE

A. Exhibit 1002

Patent Owner hereby objects to Exhibit 1002 under F.R.E. 106 because Petitioner produced an incomplete excerpt of the document and has not made a complete version available to Patent Owner.

B. Exhibit 1003

Patent Owner objects to Exhibit 1003 to the extent that it provides opinions that are irrelevant under F.R.E. 401-402, or that its probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. For example, paragraphs 1-17, 20-55, 61-62, 64, 66, 68-69, 72-73, 75-77, 79-80, 82-103, 106-11, 113-14, 116-20, 124-26, 139, 141-43, 168-69, 171-72, 174-77, 179-80, 181, 188-90, 192-99, 201, 219-20, 224, 226-27, 231-32, 236-39, 249-50, 254, 260, 264-65, 268, 271, 274, 279, 282-87,

290-91, 299, 305, 311-14, and 330 of Exhibit 1003 are not cited in the Petition (Paper 2) and, therefore, do not appear to make any fact of consequence in determining this action more or less probable than it would be without them and are thus irrelevant and not admissible (F.R.E. 401, 402).

Patent Owner further objects under F.R.E. 702 to Exhibit 1003 as unreliable, conclusory, and unsubstantiated expert testimony due to lack of sufficient facts and data, lack of reliable principles and methods, failure to reliably apply the principles and methods to the facts, and lack of expert qualifications.

Dated: August 2, 2024

/ David Pekarek Krohn /

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Respectfully submitted,

Lead Counsel
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served a true and correct copy of the foregoing: PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE and accompanying exhibits by email to the electronic service addresses for Petitioner on the date indicated below:

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