

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SALVACION USA, INC.,
Petitioner,

v.

TRUTEK CORP.,
Patent Owner

U.S. Patent No. 8,163,802
Issued: April 24, 2012

Title: ELECTROSTATICALLY CHARGED MULTI-ACTING NASAL
APPLICATION, PRODUCT, AND METHOD

Inter Partes Review No. IPR2024-00711

**PETITIONER'S OBJECTIONS TO
PATENT OWNER'S EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner, Salvacion USA, Inc., hereby objects to the following exhibits submitted by Patent Owner, Trutek Corp., accompanying Patent Owner's Sur-Reply to Petitioner's Reply. Petitioner objects on the following grounds:

Exhibits 2003-2007: Petitioner objects to each of Exhibits 2003, 2004, 2005, 2006 and 2007 on the ground that they were submitted with Patent Owner's sur-reply in violation of 37 C.F.R. § 42.23(b).

Additional objections to each individual exhibit are as follows:

Exhibit 2003, Declaration of Ashok Wahi. Petitioner objects to this exhibit under Federal Rule of Evidence ("F.R.E.") 801 and 802 as hearsay, as it comprises statements made by the declarant offered for the truth of the matters asserted without the opportunity for cross-examination and otherwise not falling within any exception or exclusion. Similarly, Petitioner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by the danger of unfair prejudice, as Petitioner did not have an opportunity to cross-examine the declarant. Petitioner also objects to this exhibit as irrelevant under F.R.E. 401 and 402 in that statements such as those regarding the sales and media recognition of the NasalGuard product are unsupported by underlying evidence.

Exhibit 2004, Representative NasalGuard products. Petitioner objects to this exhibit under F.R.E. 901 as there is no admissible evidence to authenticate it,

and it is not a document subject to self-authentication under F.R.E. 902. Petitioner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by the danger of unfair prejudice given the lack of authentication. Petitioner objects to this exhibit under F.R.E. 801 and 802 as hearsay, as it amounts to statements, *i.e.*, the assertion that products covered under the patent are offered in different parts of the world, offered for the truth of the matters asserted without the opportunity for cross-examination and otherwise not falling within any exception or exclusion.

Exhibit 2005, How to Use NasalGuard. Petitioner objects to this exhibit under F.R.E. 901 as there is no admissible evidence to authenticate it, and it is not a document subject to self-authentication under F.R.E. 902. Petitioner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by the danger of unfair prejudice given the lack of authentication. Petitioner objects to this exhibit under F.R.E. 801 and 802 as hearsay, as it comprises statements offered for the truth of the matters asserted without the opportunity for cross-examination and otherwise not falling within any exception or exclusion.

Exhibit 2006, Max Neeman Clinical Study. Petitioner objects to this exhibit under F.R.E. 901 as there is no admissible evidence to authenticate it, and it is not a document subject to self-authentication under F.R.E. 902. Petitioner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by

the danger of unfair prejudice given the lack of authentication and the fact that it appears to be incomplete. Petitioner objects to this exhibit under F.R.E. 801 and 802 as hearsay, as it comprises statements offered for the truth of the matters asserted without the opportunity for cross-examination and otherwise not falling within any exception or exclusion. Petitioner objects to this exhibit under F.R.E. 702 as substantially comprising expert testimony from witnesses not qualified as experts.

Exhibit 2007, '802 Patent Commercialization Website Links. Petitioner objects to this exhibit under F.R.E. 901 as there is no admissible evidence to authenticate it, and it is not a document subject to self-authentication under F.R.E. 902. Petitioner objects to this exhibit under F.R.E. 403 because its probative value is substantially outweighed by the danger of unfair prejudice given the lack of authentication. Petitioner objects to this exhibit under F.R.E. 801 and 802 as hearsay, as it, as well as any information contained in the links listed, comprises statements offered for the truth of the matters asserted without the opportunity for cross-examination and otherwise not falling within any exception or exclusion.

Respectfully submitted,

Dated: July 15, 2025

/s/William H. Oldach III

Reg. No. 42,048

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Mih Suhn Koh

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that the above-captioned “Petitioner’s Objections to Patent Owner’s Evidence” was served on July 15, 2025, upon the following via email:

uspto@patentsgroup.com
shk@shk-dplc.com

As well as a courtesy copy to the patent owner’s litigation counsel, by email:

keithaltman@kaltmanlaw.com
solomonradner@kaltmanlaw.com
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VORYS, SATER, SEYMOUR AND PEASE LLP

/s/ William H. Oldach III
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