UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SMAXTEC INC. and
SMAXTEC ANIMAL CARE GMBH,
Petitioner

v.

ST REPRODUCTIVE TECHNOLOGIES, LLC,
Patent Owner.

Case: IPR2024-00885
Patent No. 8,823,515 B2

PETITIONER'S OBJECTIONS TO EVIDENCE FILED WITH THE PATENT OWNER PRELIMINARY RESPONSE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner submits the following objections to evidence submitted with the Patent Owner Preliminary Response (Paper No. 8) in the instant proceeding. These objections have been timely filed and served within ten business days of the institution of the trial in this matter.

I. Exhibit 2001 — Declaration of Timothy J. Bowser, Ph.D.

Petitioner objects to Exhibit 2001 (Bowser Declaration) as inadmissible under at least Fed. R. Evid. 702 because Dr. Bowser's opinions are conclusory; do not sufficiently disclose underlying facts or data in support; are unreliable; and lack the requisite scientific, technical, or other specialized knowledge sufficient to help the trier of fact understand the evidence or determine a fact in issue. Dr. Bowser lacks sufficient skill in the art, making his testimony unreliable and unhelpful to understanding the evidence and determining facts in issue. Additionally, under Fed. R. Evid. 401(test for relevance), Fed. R. Evid. 402 (relevance), and Fed. R. Evid. 403 (probative value outweighed by prejudice, confusing of issues, wasting time), his opinions are irrelevant, confusing, and of minimal probative value.

In particular, paragraphs 59-88 of the Bowser Declaration relating to opinions on the public accessibility of Trevarthen (Ex.1005) do not sufficiently disclose underlying facts or data in support; are unreliable; and lack the requisite scientific, technical, or other specialized knowledge sufficient to help the trier of

fact understand the evidence or determine a fact in issue. For example, Dr. Bowser fails to provide or explain his qualifications for assessing the public availability of documents. Additionally, Dr. Bowser does not explain or provide evidence for how his date-limited Google search method accurately reflects the results of a Google search performed before the priority date of the patent, or whether his Google search accurately determines whether a document was publicly available and accessible before a specific date.

Respectfully submitted,

Dated: December 9, 2024

/ Blaine M. Hackman /

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that today in:

smaXtec Inc. and smaXtec Animal Care GMBH v. ST Reproductive Technologies, LLC, IPR2024-00885 (U.S. Patent 8,826,515)

I caused to be served a copy of:

PETITIONER'S OBJECTIONS TO EVIDENCE FILED
WITH THE PATENT OWNER PRELIMINARY RESPONSE

upon:

ST Reproductive Technologies, LLC, c/o

Daniel Moffett, dmoffett@akingump.com
George A.L. Rosbrook, arosbrook@akingump.com
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via:

Electronic service to the email addresses above.

Dated: December 9, 2024

By: */ Blaine M. Hackman /*

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