

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

URT Umwelt und Recyclingtechnik GmbH,
Petitioner,

v.

Duesenfeld GmbH,
Patent Owner.

Case No. IPR2024-00887
U.S. Patent 11,050,097

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

***Mail Stop* PATENT BOARD**
Patent Trial and Appeal Board
U.S. Patent Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner URT Umwelt und Recyclingtechnik GmbH ("Petitioner") objects under the Federal Rules of Evidence ("F.R.E.") to the admissibility of Exhibits 2025-2030, 2032-2033, 2035-2037, 2040-2044, 2046-2047, and 2049-2053, which Patent Owner filed with its Patent Owner Response.

Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed five business days of service of evidence to which the objection is directed.

I. EXHIBIT 2025 – DECLARATION OF VANI DANTAM

Petitioner objects to Exhibit 2025, including at least ¶¶ 40-44, 99.2-99.3, 101-103, 120-122, 145.1-145.2, and 178 under F.R.E. 401, 402, and 403 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

II. EXHIBIT 2040 – DECLARATION OF LYDIA GROTE

Petitioner objects to Exhibit 2040, including at least ¶¶ 2-12 under F.R.E. 401, 402, and 403 for including information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

In addition, Petitioner objects to Exhibit 2040 under F.R.E. 701 for being the testimony of a lay witness while also being based on scientific, technical, or other specialized knowledge within the scope of Rule 702.

III. EXHIBITS 2026-2030, 2032-2033, 2035-2037, 2041-2044, 2046-2047, AND 2049-2053

Petitioner objects to Exhibits 2026-2030, 2032-2033, 2035-2037, 2041-2044, 2046-2047, and 2049-2053 under F.R.E. 401, 402, and 403 for including information that is irrelevant or because their probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

Petitioner also objects to Exhibits 2026-2030, 2032-2033, 2037, 2041-2044, 2046-2047, and 2049-2053 as impermissible hearsay under F.R.E. 801 and 802 to the extent these exhibits are offered for the truth of the matters asserted. Patent Owner has not identified any applicable exception or exclusion to the rule against hearsay that applies to these exhibits.

Petitioner further objects to Exhibits 2026-2030, 2032-2033, 2037, 2041-2044, 2046-2047, and 2049-2053 under F.R.E. 901 because Patent Owner has not presented evidence sufficient to support a finding that the documents in question are what Patent Owner claims them to be. There is no evidence that the documents

are self-authenticating under F.R.E. 902.

Respectfully Submitted,

Dated: February 19, 2025

/Brian Kauffman/

Brian Kauffman (Reg. No. 63,199)

Counsel for URT Umwelt und
Recyclingtechnik GmbH

CERTIFICATION OF SERVICE

The undersigned certifies that, pursuant to 37 C.F.R. §§ 42.6(e) and 42.105, a copy of this Reply to Patent Owner's Preliminary Response and supporting materials was served on the Patent Owner, via email, at the following addresses:

scarlson@robinskaplan.com

slaroque@robinskaplan.com

rk-duesenfeld@robinskaplan.com

smith@smithbaluch.com

laughton@smithbaluch.com

Dated: February 19, 2025

/Brian Kauffman/

Brian Kauffman (Reg. No. 63,199)

Counsel for URT Umwelt und
Recyclingtechnik GmbH