

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

URT UMWELT UND RECYCLINGTECHNIK GMBH

Petitioner,

v.

DUESENFELD GMBH

Patent Owner.

Inter Partes Review No. IPR2024-00887

U.S. Patent No. 11,050,097

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner, Duesenfeld GmbH (“Duesenfeld”), hereby submits the following objections to certain evidence filed by Petitioner URT Umwelt und Recyclingtechnik GmbH (“URT”) on May 7, 2025 in conjunction with its Reply to Patent Owner’s Response (Paper No. 23).

I. Exhibits 1023 and 1030: Declarations of Volker Spies.

Patent Owner has not yet cross-examined Dr. Spies but intends to do so. Patent Owner reserves the right to move to exclude Exhibit 1023 and/or Exhibit 1030 or portions of the declarations/testimony based on FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 602 (lack of personal knowledge), and/or FRE 702/703 (insufficient support for expert testimony). Further, Patent Owner objects to Exhibits 1023 and 1030 under FRE 802 (hearsay), to the extent that Patent Owner does not have the opportunity to cross-examine Dr. Spies. Finally, Patent Owner objects to Exhibit 1030 because it is not cited in Petitioner’s Reply.

II. Exhibits 1024 to 1029, 1031 to 1038: Articles, Patents, and Presentations, and Translations Thereof.

Patent Owner objects to Exhibits 1024-1029 and 1031-1038 based on FRE 401/402 (relevance) and FRE 403 (probative value outweighed by prejudice, confusing, waste of time). Patent Owner further objects to Exhibits 1028, 1031-1033, 1035, 1036 and 1038 because Petitioner does not cite these exhibits in its Petition.

Furthermore, Patent Owner objects to Exhibits 1028 and 1035 as improperly incorporated by reference in Petitioner's Reply to Patent Owner's Response (Paper No. 23). *See* 37 C.F.R. § 42.6(a)(3) ("Arguments must not be incorporated by reference from one document into another document. Combined motions, oppositions, replies, or other combined documents are not permitted.") These exhibits are not directly cited in Petitioner's Reply and appear to be cited only in conjunction with statements in Dr. Spies' Declaration (Ex. 1023).¹

Patent Owner further objects to Exhibits 1027-1029 and 1033-1038 based on FRE 801 to 803 as containing impermissible hearsay to the extent these exhibits are offered for the truth of the matter asserted in them without establishing that any valid hearsay exception applies.

Patent Owner further objects to Exhibits 1027-1029 and 1033-1038 based on FRE 901 because Petitioner has failed to authenticate the documents by presenting sufficient evidence to support a finding that the documents are what Petitioner claims them to be. Further, there is no evidence that these exhibits are self-authenticating under F.R.E. 902.

¹ For clarity, Exhibits 1031-1033, 1036 and 1038 are not cited either in the Petitioner's Reply or in Dr. Spies' Declaration filed in support thereof. Exhibits 1028 and 1035 are cited only in Dr. Spies' Declaration (but not in the Reply itself). Exhibits 1031-1033 are cited only in Dr. Spies' Declaration in support of Petitioner's Opposition to Patent Owner's Motion to Amend, but are not in any way presented in papers related to Petitioner's Reply.

III. Exhibit 1039: Deposition Transcript of Vani Dantam dated May 2, 2025.

Patent Owner objects to Exhibit 1039 – the full deposition transcript of Patent Owner’s expert, Vani Dantam – based on FRE 401/402 (relevance) and FRE 403 (probative value outweighed by prejudice, confusing, waste of time). Patent Owner further objects to Exhibit 1039 based on FRE 801 to 803 as containing impermissible hearsay to the extent the exhibit is offered for the truth of the matter asserted in it without establishing that any valid hearsay exception applies. Patent Owner further objects to the use of certain portions of this transcript, as the line of questioning pursued by Petitioner is beyond the scope of permissible cross-examination under 37 CFR § 42.51(b)(1)(ii). Patent Owner incorporates herein each and every objection made during the Deposition of Vani Dantam as illustrated in the transcript itself.

IPR2024-00887

U.S. Pat. No. 11,050,097

Date: May 14, 2025

Respectfully submitted,

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**ATTORNEYS FOR PATENT OWNER
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CERTIFICATE OF SERVICE

I hereby certify that on May 14, 2025, a copy of this Patent Owner's Objections to Petitioner's Evidence has been served in its entirety via e-mail on Attorneys for Petitioner at the following e-mail addresses:

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