

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PASCAL TECHNOLOGIES

Petitioner

v.

CAMBRIDGE ENTERPRISE LIMITED, UNIVERSITAT DE BARCELONA,
AND UNIVERSITAT POLITÈCNICA DE CATALUNYA,

Patent Owner

U.S. Patent No. 11,230,656
Inter Partes Review No. 2024-01235

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Cambridge Enterprise Limited, Universitat De Barcelona, and Universitat Politècnica De Catalunya and exclusive licensee Barocal Ltd. (collectively “Patent Owner”) object as follows to the admissibility of evidence served by Petitioner Pascal Technologies with its Petition for *Inter Partes* Review in each case:

Exhibit	Objections
<p>Ex. 1004—Expert Declaration of Mircea Dincă, Ph.D.</p>	<p>FRE 402: Petitioner has not established that the exhibits relied upon in the Declaration were publicly accessible before the filing date of the ’656 patent.</p> <p>FRE 403: The exhibit includes information 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.</p> <p>FRE 702/703 (Unreliable expert testimony): The exhibit contains statements and opinions that are not admissible under FRE 702 or 703. For example, the exhibit fails to identify facts or data supporting the witness’s conclusory testimony, and that testimony thus is not based on sufficient facts or data. Further, the testimony is not the product of reliable principles and methods, and the witness fails to reliably apply the principles and methods of the facts of the case.</p> <p>The exhibit contains opinions for which the factual bases have not been disclosed, including numerous broad and/or conclusory statements made without analysis or sufficient citation to evidence or explanation. <i>See also</i> Consolidated Trial Practice Guide, November 2019, at 36 (“Expert testimony, however, cannot take the place of a disclosure in a prior</p>

Exhibit	Objections
	<p>art reference, when that disclosure is required as part of the unpatentability analysis.”).</p> <p>The exhibit fails to reliably apply the correct legal standard to the facts of the case. For example, the witness fails to explain the differences between the claims and the prior art. <i>Graham v. John Deere Co.</i>, 383 U.S. 1, 17-18 (1966) (requiring that the obviousness analysis consider “differences between the claimed subject matter and the prior art.”).</p> <p>FRE 802: Petitioner has refused to make the declarant available for deposition in the United States as required by 37 C.F.R. § 42.53(b)(3). As such, Patent Owner objects to this declaration in its entirety as inadmissible hearsay.</p> <p>37 CFR § 42.6(a)(3): The declaration attempts to circumvent the rule against incorporation by reference by providing analysis beyond the scope of Petitioner’s Petition. Further, numerous portions of the declaration are improperly incorporated by reference into the Petition.</p>
Ex. 1006 –Xie	<p>FRE 402: Petitioner has not established that the exhibit was publicly accessible before the filing date of the ’656 patent. Petitioner has not presented evidence with its Petition sufficient to satisfy its threshold burden of demonstrating that any reference constitutes a printed publication under 35. U.S.C. § 102.</p>
Ex. 1007 –Manosa	
Ex. 1009 –Patel	
Ex. 1011/1012 –Catala	<p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, the exhibit constitutes inadmissible hearsay.</p>
Ex. 1021 –Tamarit	
	<p>FRE 901: Petitioner has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is. Petitioner has not established when, where, and how the exhibit was published.</p>

Exhibit	Objections
<p>Ex. 1024–Declaration of Sylvia Hall-Ellis, Ph.D.</p>	<p>FRE 402: Petitioner has not established that the Declaration supports a publicly accessibility date of the Ex. 1011 before the filing date of the '656 patent. Petitioner has not presented evidence with its Petition sufficient to satisfy its threshold burden of demonstrating that any reference constitutes a printed publication under 35. U.S.C. § 102.</p> <p>FRE 802: To the extent it is being offered to prove the truth of the matter asserted, the exhibit constitutes inadmissible hearsay.</p>

Respectfully submitted,

Filed: April 7, 2025

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