

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARLA FOODS AMBA

Petitioner

v.

LEPRINO FOODS COMPANY,

Patent Owner

U.S. Patent No. 11,825,860
Inter Partes Review No. 2025-01199

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner objects as follows to the admissibility of evidence served by Petitioner with its Opposition to Patent Owner's Motion to Amend (Paper 28) and Reply (Paper 29) in each case:

Exhibit	Objections
Ex. 1024 - Dr. Etzel's Declaration supporting Petitioner's Reply	Right to cross-examine: Petitioner reserves the right to cross-examine the declarant or else seek to exclude Exhibits 1024-1025 as hearsay.
Ex. 1025 - Dr. Etzel's Declaration supporting Petitioner's Opposition to Motion to Amend	FRE 403: The probative value of Exhibits 1024-1025 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. FRE 702/703: Exhibits 1024-1025 contain statements and opinions that are not admissible under FRE 702 or 703. For example, the exhibits contain opinions for which the factual bases have not been disclosed, including numerous broad and/or conclusory statements made without analysis or sufficient citations to evidence or explanation. The exhibits contain generalizations based on methodology that is not widely accepted and/or has a high potential for error. For example, paragraphs 16-18 in Ex. 1024 contain wholly unsupported conclusory opinions about the ubiquity of certain cheese whey processing techniques as of the priority date of the '167 Patent. As a further example, paragraphs 39-41 in Ex. 1025 contain completely unsupported opinions regarding dairy manufacturing and storage

Exhibit	Objections
	techniques. Specifically, paragraph 39 in Ex. 1025 describes convection heating produces uniform temperature distribution that is “impossible” to achieve using conduction heating without providing any support. Patent Owner has not established that the expert is relying upon the type of facts or data reasonably relied upon in the field such that the opinion is admissible under FRE 703. FRE 802: To the extent it is being offered to prove the truth of the matter asserted, Exhibits 1024-1025 constitute inadmissible hearsay.
Ex. 1026 - Technical Report: Whey Protein Heat Stability	FRE 106: Exhibit 1030 is incomplete. FRE 401/402: Exhibits 1026-1028, 1030-1031, and 1033-1041 are irrelevant because they do not make any fact or consequence to the determination of the challenged claims more or less probable. FRE 403: The probative value of Exhibits 1026-1028, 1030-1031, and 1033-1041 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. FRE 611(b)/37 C.F.R. § 42.53(d)(2): Exhibit 1032 contains testimony elicited by Petitioner’s questions that exceeded the proper scope of cross-examination of Dr. Harte’s direct testimony (Ex. 2005). As an example, testimony beyond the scope
Ex. 1027 - Caseinomacropptide influences the functional properties of a whey protein concentrate	
Ex. 1028 - A proteomics approach to characterizing limited hydrolysis of whey protein concentrate	
Ex. 1029-Printout of Dr. Harte’s official web profile	

Exhibit	Objections
page at Pennsylvania State University	of proper cross-examination appears at Ex. 1032, 77:13-23, 78:16-25, 118:2-25, 119:1-13, 123:18-25, 124:1-7, and 149: 7-21. FRE 801/802: To the extent it is being offered to prove the truth of the matter asserted, Exhibits 1026-1029, 1030-1031, and 1033-1041 constitutes inadmissible hearsay. FRE 901/902: To the extent Ex. 1032 is modified by Petitioner's highlighting on pages 3, 10-11, and 13, the transcript has not been authenticated as what the proponent claims it is (i.e., the actual deposition testimony of Dr. Harte).
Ex. 1030 - Chromatographic Integration Methods	
Ex. 1031 - U.S. Pat. Appl. Pub. No. US2019/0274331	
Ex. 1032 -Transcript of Dr. Harte's Deposition	
Ex. 1033 - Essentials of LC Troubleshooting, VI: How Wide Should Those Peaks Be?	
Ex. 1034 - Unit Operations of Chemical Engineering	
Ex. 1035 - Efficient removal of spores from skim milk using cold microfiltration: Spore size and surface property considerations	
Ex. 1036 - Ultrafree Centrifugal Filter, 0.4 mL Sample	

Exhibit	Objections
Volume, pore size 0.45 um	
Ex. 1037 - Dairy Technology Handbook	
Ex. 1038 - U.S. Pat. Appl. Pub. No. US20210267238	
Ex. 1039 - Differential Effects of Dry vs. Wet Heating of Beta- Lactoglobulin on Formation of sRAGE Binding Ligands and sIgE Epitope Recognition	
Ex. 1040 - Centrifuge Filters 0.45um CA, Micro 800ul Capacity with 2ml Receiver Tube, Non Sterile, pk100, MS CICA45(100)	
Ex. 1041 - U.S. Pat. Appl. Pub. No. US2012/0114795	

Respectfully submitted,

Filed: September 1, 2026

By: /Justin L. Krieger/
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Registration No. 47,719

Counsel for Patent Owner

CERTIFICATE OF SERVICE

I hereby certify that on September 1, 2026, I caused a true and correct copy of the foregoing NOTICE OF PATENT OWNER OBJECTIONS TO PETITIONER EVIDENCE to be served electronically on Patent Owner at the following email addresses indicated in their Mandatory Notices Under 37 C.F.R. § 42.8:

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Respectfully submitted,

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