

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOPSOE INC.,
Petitioner

v.

CASALE SA,
Patent Owner

Case IPR2025-01454
U.S. Patent No. 11,286,168

**PATENT OWNER'S OBJECTIONS TO PETITIONER'S PRE-
INSTITUTION EVIDENCE PURSUANT TO 37 CFR § 42.64(b)(1)**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Casale SA submits its objections to Petitioner's pre-institution evidence.

I. Exhibit 1005 (Declaration of Dr. James A. Ritter)

Patent Owner has not yet cross-examined Dr. Ritter but intends to do so. Patent Owner reserves the right to move to exclude Exhibit 1005 or portions of the declaration/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 Exhibit 1005 under FRE 802 (hearsay), to the extent that Patent Owner does not have the opportunity to cross-examine Dr. Ritter.

Further, Patent Owner objects to the portions of Exhibit 1005 that relate only to the Petition filed in IPR2025-01455 based on FRE 401/402 (relevance) and FRE 403 (probative value outweighed by prejudice, confusing, waste of time). Institution of *inter partes* review was denied in IPR2025-01455 on December 18, 2025 (Paper 11). For this objection, the specific portions of Exhibit 1005 that Patent Owner is objecting to include, but are not necessarily limited to, Section IX.C and Sections X.B 14-21 (relating to Grounds 4 and 5 in IPR2025-01455).

II. Exhibit 1006 (2007 IFA)

Patent Owner objects to Exhibit 1006 based on FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time),

FRE 901 (authentication), FRE 1002 (to the extent Petitioner intends to rely on secondary evidence of publication) and/or 35 U.S.C. § 311(b) and lack of foundation (ineligible prior art because there is no (or insufficient) evidence that the document was sufficiently accessible to the public interested in the art before the critical date). *See, e.g., In re Cronyn*, 890 F.2d 1158, 1160 (Fed. Cir. 1989) (“[T]he reference must have been sufficiently accessible to the public interested in the art; dissemination and public accessibility are the keys to the legal determination whether a prior art reference was published.”); *see also Jazz Pharm., Inc. v. Amneal Pharms., LLC*, 895 F.3d 1347, 1355–56 (Fed. Cir. 2018) (“A reference is considered publicly accessible upon a satisfactory showing that such document has been disseminated or otherwise made available to the extent that persons interested and ordinarily skilled in the subject matter or art, exercising reasonable diligence, can locate it.” (quotations omitted)); *Blue Calypso, LLC v. Groupon, Inc.*, 815 F.3d 1331, 1348 (Fed. Cir. 2016) (same).

Patent Owner further objects to Exhibit 1006 based on FRE 802 (inadmissible hearsay) (including but not limited to any dates shown or described in the document).

III. Exhibits 1007, 1014, 1015, 1023, 1024, 1025, 1027, 1028, 1030, 1032, 1033, 1034, 1035, 1036, 1042

Patent Owner objects to these Exhibits based on FRE 401/402 (relevance) and/or FRE 403 (probative value outweighed by prejudice, confusing, waste of

time), including because Petitioner does not cite these Exhibits in its Petition (the exhibits are listed in the Table of Exhibits, but not otherwise cited within the Petition).

IV. Exhibit 1017 (IFA Technical Committee Meeting on “Energy Efficiency and CO2 Reduction, Prospects in Ammonia Production” Proceedings, Ho Chi Minh City, Viet Nam, March 2007” (2007_tech_hcmc_all_slides.pdf))

Patent Owner objects to Exhibit 1017 based on FRE 401/402 (relevance), FRE 403 (probative value outweighed by prejudice, confusing, waste of time), FRE 802 (hearsay), FRE 901 (authentication), and/or 35 U.S.C. § 311(b) and lack of foundation (ineligible prior art because there is no (or insufficient) evidence that the document was sufficiently accessible to the public interested in the art before the critical date).

V. Exhibits 1019 and 1020 (Declarations of Mina Ching and Exhibits thereto)

Patent Owner reserves the right to move to exclude Exhibits 1019 and/or 1020 or portions of the declarations/attached exhibits/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 1019 and/or 1020 under FRE 802 (hearsay), to the extent that Patent Owner does not have the opportunity to cross-examine Ms. Ching.

Patent Owner further objects to the Exhibits to the Declarations based on FRE 802 (inadmissible hearsay).

Respectfully submitted on February 25, 2026 by:

/Case Collard/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on February 25, 2026, a complete and entire copy of this Patent Owner's Objections to Petitioner's Pre-Institution Evidence Pursuant to 37 CFR § 42.64(b)(1) was served on the Petitioner via electronic mail at the following addresses:

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