UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNGENTA CROP PROTECTION AG,
Petitioner,

v.

UPL LTD.,
Patent Owner.

Case PGR2023-00017
Patent No. 11,445,727

PATENT OWNER'S OBJECTIONS TO PETITIONER'S REPLY EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence ("FRE"), Patent Owner UPL LTD. submits the following objections to evidence submitted by Petitioner Syngenta Crop Protection AG with its Reply to Patent Owner Response ("Reply") filed on February 9, 2024. These objections are timely filed and served within five business days of the date of service of the Challenged Evidence. 37 C.F.R. § 42.64(b)(1).

Exhibits 1034, 1035, 1038, and 1041

Patent Owner objects to Exhibits 1034, 1035, 1038, and 1041 as not having been publicly available to skilled artisans at the time of the invention. Patent Owner further objects to Exhibits 1034, 1035, 1038, and 1041 as not relevant and not helpful to the trier of fact under FRE 401, 402, and 403. Patent Owner also objects to Exhibits 1034, 1035, 1038, and 1041 under FRE 106 as incomplete.

Exhibits 1040, 1042, and 1045

Patent Owner objects to Exhibits 1040, 1042, and 1045 as not relevant and not helpful to the trier of fact under FRE 401, 402, and 403.

Exhibits 1046 and 1047

Patent Owner objects to Exhibits 1046 and 1047 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of these Exhibits. Exhibits 1046 and 1047 are not self-authenticating. To the extent Petitioner relies on Exhibits 1046 and 1047 as printed publication prior

art, Patent Owner objects to Exhibits 1046 and 1047 as not having any library stamp or any other evidence to show that they had been publicly available to skilled artisans at the time of the invention. To the extent Petitioner relies on the content of these Exhibits for the truth of the matter asserted, Patent Owner objects to these Exhibits as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807. Patent Owner further objects to Exhibits 1046 and 1047 as not relevant and not helpful to the trier of fact under FRE 401, 402, and 403. Patent Owner also objects to Exhibits 1046 and 1047 under FRE 106 as incomplete.

Respectfully submitted,

Dated: February 16, 2024

/Kenneth S. Guerra/
Kenneth S. Guerra, Reg. No. 78,864
Counsel for Patent Owner
UPL LTD.

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Patent Owner's Objections to Petitioner's Reply Evidence** was served electronically via email on February 16, 2024, in its entirety on the following:

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Petitioner has consented to electronic service.

Dated: February 16, 2024

/William Esper/
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