

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INARI AGRICULTURE, INC.,
Petitioner,

v.

CORTEVA AGRISCIENCE LLC,
Patent Owner.

PGR2023-00022
Patent 11,371,055

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1) and the Federal Rules of Evidence (“FRE”), Patent Owner Corteva Agriscience LLC submits the following objections to evidence submitted by Petitioner Inari Agriculture, Inc. with its Petition. These objections are timely filed and served within ten business days of the Board’s decision to institute trial in this proceeding.

Exhibits 1002 and 1010

Patent Owner objects to Exhibits 1002 and 1010 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of these exhibits. Exhibits 1002 and 1010 purport to be a noncertified file history or excerpt thereof for U.S. Application No. 15/468,494.

Exhibits 1005, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, 1027, 1028, 1030, and 1031

Patent Owner objects to Exhibits 1005, 1013, 1014, 1015, 1016, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, 1026, and 1027 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of the exhibit. The Exhibits are not self-authenticating. The Exhibits are missing a journal cover and any otherwise reliable source information. To the extent Petitioner relies on the content of these Exhibits for the truth of the matter asserted,

Patent Owner objects to the Exhibits as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807.

Exhibits 1007, 1008, and 1009

Patent Owner objects to Exhibits 1007, 1008, and 1009 under FRE 401-403 as lacking relevance to the instituted grounds. The Exhibits thus do not make any fact more or less probable and are unfairly prejudicial, confuse the issues, mislead the factfinder, and/or are a waste of time. To the extent Petitioner relies on the content of these Exhibits for the truth of the matter asserted, Patent Owner objects to the Exhibits as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807.

Exhibits 1004, 1005, 1006, 1013, 1015, 1016, 1017, 1020, 1021, 1022, 1023, 1024, 1028, 1030, 1031, and 1034

To the extent Petitioner relies upon Exhibits 1004, 1005, 1006, 1013, 1015, 1016, 1017, 1020, 1022, 1023, 1024, 1028, 1030, 1031, and 1034 to show the state of the art, Patent Owner objects to the Exhibits as not relevant, confusing, and unfairly prejudicial because Petitioner has not shown that the Exhibit qualifies as prior art (FRE 401-403).

Exhibits 1011, 1012, and 1029

Patent Owner objects to Exhibits 1011, 1012, and 1029 as lacking authentication under FRE 901 because sufficient evidence has not been provided to

establish the authenticity of the exhibit. Exhibits 1011, 1012, and 1029 are not self-authenticating. To the extent Petitioner relies upon the Exhibits 1011, 1012, and 1029 to show the state of the art, Patent Owner objects to the Exhibits as not relevant, confusing, unfairly prejudicial, and wasting time because the Exhibits have not been shown to qualify as prior art (FRE 401-403). To the extent Petitioner relies on the content of these Exhibits for the truth of the matter asserted, Patent Owner objects to Exhibits 1011, 1012, and 1029 as inadmissible hearsay (*see* FRE 801 and 802) that does not fall under any exceptions, including FRE 803, 804, 805, and 807.

Exhibits 1033 and 1034

Patent Owner objects to Exhibits 1033 and 1034 as lacking authentication under FRE 901 because sufficient evidence has not been provided to establish the authenticity of the exhibit. Exhibits 1033 and 1034 are not self-authenticating. Patent Owner also objects to the Exhibits as incomplete under FRE 106 because it represents only excerpts of a book. To the extent Petitioner relies on the content of Exhibits 1033 and 1034 for the truth of the matter asserted, Patent Owner objects to the 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 also objects to the Exhibits as not relevant, confusing, unfairly prejudicial, and not helpful to the trier of fact under FRE 401, 402, and 403.

Dated: October 27, 2023

/Pier D. DeRoo/
Pier D. DeRoo, Reg. No. 69,340
Lead Counsel for Patent Owner
Corteva Agriscience LLC

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing **Patent Owner's Objections to Petitioner's Evidence** was served electronically via email on October 27, 2023, in its entirety on the following:

Scott A. McKeown
Jonathan B. Roses
Charles T. Steenburg
Eric J. Rutt
Wolf Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, MA 02210
SMcKeown-PTAB@WolfGreenfield.com
JRoses-PTAB@WolfGreenfield.com
Charles.Steenburg@WolfGreenfield.com
Eric.Rutt@WolfGreenfield.com

Victor Cheung
Ropes & Gray LLP
2099 Pennsylvania Avenue, NW
Washington, D.C. 20006-6807
victor.cheung@ropesgray.com

Petitioner has consented to electronic service by email.

Dated: October 27, 2023

/William Esper/
William Esper
Case Manager and PTAB Coordinator
Finnegan, Henderson, Farabow,
Garrett & Dunner, LLP