

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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**ARKEMA FRANCE,**  
*Petitioner*

**v.**

**HONEYWELL INTERNATIONAL INC.**  
*Patent Owner*

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**Case IPR2015-00916**  
**U.S. Patent No. 8,710,282**

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**PATENT OWNER'S OBJECTIONS TO  
PETITIONER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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Mail Stop PATENT BOARD  
Patent Trial and Appeal Board  
U.S. Patent & Trademark Office  
P.O. Box 1450  
Alexandria, VA 22313-1450

Patent Owner Honeywell International, Inc. objects to the admissibility of the following evidence submitted by Petitioner Arkema France before trial was instituted. 37 C.F.R. § 42.64. These objections are made within 10 business days from the October 21, 2015 Decision to Institute (Paper 16). Patent Owner asks the Patent Trial and Appeal Board to deny the admission and consideration of the following documents on the following bases:

**1. Arkema Exhibit 1005 – English language translation of Japanese Publication No. JP S59-70626, and the Declaration of Jonathan Kent attesting to the accuracy of the translation – (“Masayuki”)**

Patent Owner objects to this document as not properly authenticated under FRE 901 because Petitioner has not presented any evidence that the document is authentic nor that the document is self-authenticating under FRE 902.

The purported Declaration of Jonathan Kent does not satisfy the requirements of a proper translation certification under 37 C.F.R. § 42.63(b), in view of the requirements of 37 C.F.R. § 1.68, does not set forth the qualifications of the declarant so as to establish the sufficiency of the translation and does not establish that the referenced document, Japanese Publication No. JP S59-70626, is what it purports to be. The declaration is defective, and, as a result, the translation of Masayuki is inadmissible.

To the extent Petitioner relies on the contents of this document to prove the content of the original document, Patent Owner objects to this document as not

being an original document under FRE 1002, an authentic duplicate under FRE 1003, nor a document that falls under any exceptions to the original-document requirement, including those of FRE 1004.

2. **Arkema Exhibit 1007 – Manual of Patent Examining Procedure (9<sup>th</sup> ed. 2014) (“MPEP”)**

Patent Owner objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403 because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, written description of the invention, broadest reasonable interpretation of the claims, indefiniteness of the claims, or is not used as a prior art reference that itself anticipates or renders obvious any of the claims.

3. **Arkema Exhibit 1008 – L. Knunyants et al., Reactions of Fluoro Olefins, 9 Bulletin of the Academy of Sciences of the USSR 1312 (1960) (“Knunyants”)**

Patent Owner objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403 because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, written description of the invention, broadest reasonable interpretation of the claims, indefiniteness of the claims, or is not used as a prior art reference that itself anticipates or renders obvious any of the claims.

To the extent Petitioner relies on the contents of this document for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

**4. Arkema Exhibit 1009 - U.S. Publication No. 2009/0278075 A1  
("Mahler")**

Patent Owner objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403 because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, written description of the invention, broadest reasonable interpretation of the claims, indefiniteness of the claims, or is not used as a prior art reference that itself anticipates or renders obvious any of the claims.

To the extent Petitioner relies on the contents of this document for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

**5. Arkema Exhibit 1010 — International Publication No. WO 2007/056194  
A1 ("Mukhopadhyay")**

Patent Owner objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403,

because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, written description of the invention, broadest reasonable interpretation of the claims, indefiniteness of the claims, or is not used as a prior art reference that itself anticipates or renders obvious any of the claims.

To the extent Petitioner relies on the contents of this document for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

**6. Arkema Exhibit 1016 – J.M. Douglas, Conceptual Design of Chemical Processes” (1988) (“Douglas”)**

Patent Owner objects to this document as irrelevant under FRE 401 and thus inadmissible under FRE 402, or as confusing or a waste of time under FRE 403, because cited portions are not relevant to any issue remaining in this proceeding, such as patentability of the subject matter, written description of the invention, broadest reasonable interpretation of the claims, indefiniteness of the claims, or is not used as a prior art reference that itself anticipates or renders obvious any of the claims.

To the extent Petitioner relies on the contents of this document for the truth of the matter asserted, Patent Owner objects to such contents as inadmissible

hearsay under FRE 801 and 802 that does not fall under any exceptions, including those of FRE 803, 804, 805, or 807.

Dated: November 4, 2015

Respectfully submitted,

/Bruce J. Rose/

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**CERTIFICATION OF SERVICE**

The undersigned hereby certifies that the foregoing **PATENT OWNER'S  
OBJECTIONS TO PETITIONER'S EVIDENCE** was served electronically via  
e-mail on November 4, 2015 in its entirety on the following:

Jon Beaupré  
Allen R. Baum  
Allyn B. Elliott  
Joshua E. Ney  
Nicholas A. Restauri

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/Bruce J. Rose/  
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