

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

Arkema France

Petitioner

v.

Honeywell International Inc.

Patent Owner

Trial No.: IPR2015-00916
U.S. Patent No. 8,710,282

PETITIONER'S FIRST SET OF OBJECTIONS
TO PATENT OWNER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Petitioner Arkema France (“Petitioner”), hereby submit the following objections to Patent Owner Honeywell International Inc.’s (“Patent Owner”) Exhibits 2002 and 2006-2043 and any reference to/reliance on the foregoing. As required by 37 C.F.R § 42.62, Petitioners’ objections below apply the Federal Rules of Evidence (“FRE”).

I. OBJECTIONS TO EXHIBIT 2002

Exhibit 2002	Lousenberg Decl
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a. FRE 702

Petitioner objects to the admission of Exhibit 2002 under FRE 702. Dr. Lousenberg’s opinions are conclusory and unsubstantiated, are based on insufficient facts and data, are the product of unreliable principles and methods, and are based on an unreliable application of such principles and methods to the facts of the case, all in violation of FRE 702 (b)-(d).

II. OBJECTIONS TO EXHIBITS 2007, 2010, 2013-2014, and 2016-2028

Exhibit 2007	March 26, 2008 email from Haluk Kopkalli
Exhibit 2010	July 2008 Monthly Technology Report of Dr. Bektesevic
Exhibit 2013	August 2008 Monthly Technology Report of Dr. Bektesevic
Exhibit 2014	August 2008 Monthly Highlights Report of Dr. Tung

Exhibit 2016	September 2008 Monthly Technology Report of Dr. Bektesevic
Exhibit 2017	September 2008 Monthly Highlights Report of Dr. Tung
Exhibit 2018	October 2008 Monthly Technology Report of Dr. Bektesevic
Exhibit 2019	November 2008 Monthly Technology Report of Dr. Bektesevic
Exhibit 2020	November 2008 Monthly Highlights Report of Dr. Tung
Exhibit 2021	December 2008 Monthly Technology Report of Dr. Bektesevic
Exhibit 2022	January 2009 Monthly Technology Report of Dr. Bektesevic
Exhibit 2023	January 2009 Monthly Highlights Report of Dr. Tung
Exhibit 2024	February 2009 Monthly Technology Report of Dr. Bektesevic
Exhibit 2025	February 2009 Monthly Highlights Report of Dr. Tung
Exhibit 2026	March 2009 Monthly Technology Report of Dr. Bektesevic
Exhibit 2027	March 2009 Monthly Highlights Report of Dr. Tung
Exhibit 2028	PowerPoint entitled “Apollo Technology Review Dehydrofluorination” and dated May 13, 2009

a. FRE 106

Petitioner objects to the admission of Exhibits 2014, 2018-2021, 2023, and 2025-2028 under FRE 106 because each is an incomplete portion of a writing that has been modified to remove and/or redact content, rendering it incomplete.

b. FRE 802

Petitioner objects to the admission of Exhibits 2007, 2010, 2013-2014, and 2016-2028 under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent they are offered by Patent Owner to prove the truth of any matter asserted therein.

c. FRE 901(a)

Petitioner objects to the admission of Exhibits 2007, 2010, 2013-2014, and 2016-2028 under FRE 901(a) because Patent Owner has not produced sufficient admissible evidence to authenticate Exhibits 2007, 2010, 2013-2014, and 2016-2028, and has not produced admissible evidence to establish that Exhibits 2007, 2010, 2013-2014, and 2016-2028 are self-authenticating under FRE 902.

d. FRE 1006

Petitioner objects to the admission of Exhibits 2010, 2013-2014, and 2016-2028 under FRE 1006 because Exhibits 2010, 2013-2014, and 2016-2028 are summaries of other documents and things that have not been made available to Petitioner for examination or copying.

II. OBJECTIONS TO EXHIBITS 2008-2009

Exhibit 2008	Project Permit Change Form to Permit# 626 dated July 10, 2008
Exhibit 2009	Redacted version of a Project Permit Change Form to Permit# 626 dated May 16, 2008

a. FRE 106

Petitioner objects to the admission of Exhibit 2009 under FRE 106 because it is an incomplete portion of a writing that has been modified to remove and/or redact content, rendering it incomplete.

b. FRE 401-403

Petitioner objects to the admission of Exhibit 2009 under FRE 401-403 because it is irrelevant under FRE 401, and therefore inadmissible under FRE 402 and/or 403. Introduction and evaluation of Exhibit 2009 would further lead to undue delay, confusion, and a waste of time pursuant to FRE 403.

c. FRE 802

Petitioner objects to the admission of Exhibits 2008-2009 under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent they are offered by Patent Owner to prove the truth of any matter asserted therein.

d. FRE 901(a)

Petitioner objects to the admission of Exhibits 2008-2009 under FRE 901(a) because Patent Owner has not produced sufficient admissible evidence to authenticate Exhibits 2008-2009, and has not produced admissible evidence to establish that Exhibits 2008- 2009 are self-authenticating under FRE 902.

III. OBJECTIONS TO EXHIBITS 2011, 2012, and 2015

Exhibit 2011	July 16, 2008 instructions from Dr. Bektesevic to Angela Goodie
Exhibit 2012	July 29-30, 2008 instructions from Dr. Bektesevic to Angela Goodie
Exhibit 2015	September 15, 2008 instructions from Dr. Bektesevic to Angela Goodie

a. FRE 401-403

Petitioner objects to the admission of Exhibit 2011 under FRE 401-403 because it is irrelevant under FRE 401, and therefore inadmissible under FRE 402 and/or 403. Introduction and evaluation of Exhibit 2011 would further lead to undue delay, confusion, and a waste of time pursuant to FRE 403.

b. FRE 802

Petitioner objects to the admission of Exhibits 2011, 2012, and 2015 under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent they are offered by Patent Owner to prove the truth of any matter asserted therein.

c. FRE 901(a)

Petitioner objects to the admission of Exhibits 2011, 2012, and 2015 under FRE 901(a) because Patent Owner has not produced sufficient admissible evidence

to authenticate Exhibits 2011, 2012, and 2015, and has not produced admissible evidence to establish that Exhibits 2011, 2012, and 2015 are self-authenticating under FRE 902.

IV. OBJECTIONS TO EXHIBITS 2029 and 2030

Exhibit 2029	Invention Disclosure entitled “Integrated Continuous Process for Dehydrofluorination of 236ea and 245eb” and dated August 21, 2009
Exhibit 2030	Detailed Disclosure dated February 10, 2010

a. FRE 802

Petitioner objects to the admission of Exhibits 2029 and 2030 under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent they are offered by Patent Owner to prove the truth of any matter asserted therein.

b. FRE 901(a)

Petitioner objects to the admission of Exhibits 2029 and 2030 under FRE 901(a) because Patent Owner has not produced sufficient admissible evidence to authenticate Exhibits 2029 and 2030, and has not produced admissible evidence to establish that Exhibits 2029 and 2030 are self-authenticating under FRE 902.

V. OBJECTION TO EXHIBITS 2031, 2032, 2033, 2034, 2035, and 2042

Exhibit 2031	Email and certain attachments dated August 19, 2010 from James DePasque
Exhibit 2032	Email dated September 29, 2010 from Eric Sumner
Exhibit 2033	Email dated October 1, 2010 from Dr. Selma Bektesevic
Exhibit 2034	Email dated October 12, 2010 from Dr. Selma Bektesevic
Exhibit 2035	Email dated October 12, 2010 from Eric Sumner
Exhibit 2042	Meeting Minutes from PC Meeting held July 12, 2010

a. FRE 106

Petitioner objects to the admission of Exhibits 2032, 2033, and 2042 under FRE 106 because each is an incomplete portion of a writing that has been modified to remove and/or redact content, rendering it incomplete.

b. FRE 802

Petitioner objects to the admission of Exhibits 2031, 2032, 2033, 2034, 2035 and 2042 under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent they are offered by Patent Owner to prove the truth of any matter asserted therein.

c. FRE 901(a)

Petitioner objects to the admission of Exhibits 2031, 2032, 2033, 2034, 2035 and 2042 under FRE 901(a) because Patent Owner has not produced sufficient admissible evidence to authenticate Exhibits 2031, 2032, 2033, 2034, 2035 and 2042, and has not produced admissible evidence to establish that Exhibits 2031, 2032, 2033, 2034, 2035 and 2042 are self-authenticating under FRE 902.

VI. OBJECTION TO EXHIBITS 2006, 2036-2038, 2041, and 2043

Exhibit 2006	Declaration of Hsueh Sung Tung, Ph.D
Exhibit 2036	Declaration of Thomas Morris
Exhibit 2037	Declaration of Angela Goodie
Exhibit 2038	Declaration of Daniel Merkel
Exhibit 2041	Declaration of Bruce Bradford, Esq.
Exhibit 2043	Declaration of Joseph F. Posillico, Esq.

a. FRE 401-403

Petitioner objects to the admission of Exhibit 2036 under FRE 401-403 because it is irrelevant under FRE 401, and therefore inadmissible under FRE 402 and/or 403. Introduction and evaluation of Exhibit 2036 would further lead to undue delay, confusion, and a waste of time pursuant to FRE 403.

b. FRE 602

Petitioner objects to the admission of Exhibits 2006, 2036, 2037, 2038, 2041, and 2043 under FRE 602 for lack of personal knowledge.

c. FRE 701

Petitioner objects to the admission of Exhibits 2006, 2036, 2037, 2038, 2041, and 2043 under FRE 701. The testimony in Exhibits 2006, 2036, 2037, 2038, 2041, and 2043 includes testimony that is not rationally based on the witness's perception and is based on scientific, technical or other specialized knowledge within the scope of FRE 702 and is thus in violation of FRE 701.

d. FRE 802

Petitioner objects to the admission of Exhibits 2006, 2036, 2037, 2038, 2041, and 2043 under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent they are offered by Patent Owner to prove the truth of any matter asserted therein.

VII. OBJECTION TO EXHIBIT 2039

Exhibit 2039	Pages from Dr. Selma Bektasevic's laboratory notebook dated August 21, 2009
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a. FRE 106

Petitioner objects to the admission of Exhibit 2039 under FRE 106 because it is an incomplete portion of a writing that has been modified to remove and/or redact content, rendering it incomplete.

b. FRE 802

Petitioner objects to the admission of Exhibit 2039 under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent it is offered by Patent Owner to prove the truth of any matter asserted therein.

c. FRE 901(a)

Petitioner objects to the admission of Exhibit 2039 under FRE 901(a) because Patent Owner has not produced sufficient admissible evidence to authenticate Exhibit 2039, and has not produced admissible evidence to establish that Exhibit 2039 is self-authenticating under FRE 902.

VIII. OBJECTIONS TO EXHIBITS 2040, 2009, 2029, 2030

Exhibit 2040	Declaration of Diana Overton
Exhibit 2009	Redacted version of a Project Permit Change Form to Permit# 626 dated May 16, 2008
Exhibit 2029	Invention Disclosure entitled “Integrated Continuous Process for Dehydrofluorination of 236ea and 245eb” and dated August 21,

	2009
Exhibit 2030	Detailed Disclosure dated February 10, 2010

a. FRE 401-403

Petitioner objects to the admission of Exhibit 2040 under FRE 401-403 because it is irrelevant under FRE 401, and therefore inadmissible under FRE 402 and/or FRE 403. Introduction and evaluation of Exhibit 2040 would further lead to undue delay, confusion, and a waste of time pursuant to FRE 403.

b. FRE 602

Petitioner objects to the admission of Exhibits 2009, 2029, 2030 and 2040 under FRE 602 for lack of personal knowledge.

Dated: January 29, 2016

Respectfully submitted,

/Rickard K. DeMille/

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing PETITIONER'S FIRST SET OF OBJECTIONS TO PATENT OWNER'S EVIDENCE has been served in its entirety this 29th day of January, 2016 by electronic mail on:

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