

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARKEMA FRANCE,
Petitioner

v.

HONEYWELL INTERNATIONAL INC.
Patent Owner

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

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

Patent Owner Honeywell International, Inc. (“Honeywell”) objects to the admissibility of the following evidence submitted by Petitioner Arkema France (“Arkema”) after trial was instituted. 37 C.F.R. § 42.64(b)(1). Each of the following exhibits are objected to as being improperly filed after institution, thereby exceeding the scope of reply. These objections are made within 5 business days from the filing of the May 6, 2016 Petitioner’s Reply to Patent Owner’s Response (Papers 41–42). Petitioner asks the Patent Trial and Appeal Board to deny the admission and consideration of the following documents on the following bases.

1. **Arkema Exhibit 1028 – English Translation of “Fluoroolefins – Note I. Cis and trans 1,2,3,3,3 – pentafluoropropylene”;**
Arkema Exhibit 1029 – Italian version of Ex. 1028 “Fluoroolefins – Note I. Cis and trans 1,2,3,3,3 – pentafluoropropylene”;
Arkema Exhibit 1030 – Certificate of Translation of “Fluoroolefins – Note I. Cis and trans 1,2,3,3,3 – pentafluoropropylene”

Patent Owner objects to these documents 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.

Furthermore, Exhibit 1030, the purported Certificate of Translation, 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 and does not establish that the referenced documents, Exhibits 1028 and 1029, are what they purport to be. The affidavit is defective, and, as a result, Exhibits 1028 and 1029 are inadmissible.

To the extent Petitioner relies on the contents of Exhibits 1028 and 1029 to prove the content of the original documents, Patent Owner objects to Exhibits 1028 and 1029 as not being original documents under FRE 1002, authentic duplicates under FRE 1003, or documents that fall under any exceptions to the original-document requirement, including those of FRE 1004.

To the extent Petitioner relies on the contents of Exhibit 1028 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.

Finally, Patent Owner objects to Exhibit 1029 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.

2. Arkema Exhibit 1031 – U.S. Patent No. 8,592,630

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 1034 – Excerpts from Honeywell Application for Permit Revision**

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.

4. **Arkema Exhibit 1036 – Sealed provisional application no. 61/392,242 with highlighting to designate whether content originally appeared in invention disclosure (Ex. 2029), detailed disclosure (Ex. 2030) and priority application no. 13/195,429 (Ex. 1014)**

Patent Owner objects to this document as inadmissible under FRE 403. The document is needlessly cumulative because it duplicates Exhibit 1011, and any slight probative value of the additional highlighting is substantially outweighed by the dangers of unfair prejudice and misleading the fact-finder.

Furthermore, to the extent Petitioner relies on the highlighting in 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: May 13, 2016

Respectfully submitted,

By: /Bruce J. Rose/

Bruce J. Rose (Reg. No. 37,431)

S. Benjamin Pleune (Reg. No. 52,421)

Christopher TL Douglas (Reg. No. 56,950)

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned hereby certifies that, on May 13, 2016, a true copy of the foregoing **Patent Owner's Objections to Petitioner's Evidence Pursuant to 37 C.F.R. § 42.64(b)** and its respective exhibits, was served by electronic mail on:

Jon Beaupré
Allen R. Baum
Allyn B. Elliott
Joshua E. Ney
Rickard K. DeMille

Brinks, Gilson & Lione
524 South Main St., Suite 200
Ann Arbor, MI 48104

jbeaupre@brinksgilson.com
Arkema_HoneywellIPRs@brinksgilson.com

/Bruce J. Rose/
Bruce J. Rose (Reg. No. 37,431)