

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AFTON CHEMICAL CORPORATION

Petitioner

v.

INFINEUM INTERNATIONAL LIMITED

Patent Owner

IPR2017-01321

Patent 8,076,274

**NOTICE OF PETITIONER'S OBJECTIONS TO
PATENT OWNER'S RESPONSE EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner, Afton Chemical Corporation, hereby submits its objections to evidence served by Patent Owner, Infineum International Limited, Inc. with its Patent Owner Response and Motion to Amend. These objections are being filed on Feb. 9, 2018, and are timely, having been filed within five business days of the service of Patent Owner's Response Evidence.

Petitioner generally objects to the Exhibits to the extent they are not relevant (FRE 401, 402, 403), are outside the scope of the institution, lack foundation, for hearsay, are untimely, or are incomplete. Petitioner objects to the following Exhibits in their entirety.

Exhibit 2017 was published in 2017; Exhibit 2018 was published in 2010, Exhibit 2019 was published in 2007; Exhibit 2020 was published in 2016; Exhibit 2020 was published in 2011; and Exhibit 2024 was published in 2010 and updated in 2017; therefore, these Exhibits confuse the issues with information that was published after the '274 patent's priority date. Exhibits 2017 and 2018 are Material Safety Data Sheets (MSDS) for Irganox L57, published in 2017 and 2010, respectively, which are merely more recent publication of the MSDS for the same product, Irganox L57, as Petitioner's Exhibit 1026. Exhibits 2019 and 2020 are Material Safety Data Sheets (MSDS) for Irganox 5057, published in 2007 and 2016, respectively, and are erroneously identified in the Exhibit Table as MSDS

for Irganox L57. Exhibit 2031 (EP 1 167 497 A2 to Nakazato) has already been entered into the record as Exhibit 1019, and thus is duplicative.

Exhibit	Objections
Exhibit 2017	<p>FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p>
Exhibit 2018	<p>FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p>
Exhibit 2019	<p>FRE 402: The exhibit includes information that is not relevant to</p>

Exhibit	Objections
	<p>any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 901: The exhibit has not been authenticated.</p>
Exhibit 2020	<p>FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 901: The exhibit has not been authenticated.</p>
Exhibit 2022	<p>FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.</p>

Exhibit	Objections
	<p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p>
Exhibit 2024	<p>FRE 402: The exhibit includes information that is not relevant to any ground upon which trial was instituted.</p> <p>FRE 403: The exhibit's probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.</p> <p>Lack of Foundation: Patent Owner has not provided sufficient explanation of what the exhibit is or what it allegedly shows.</p> <p>FRE 901: The exhibit has not been authenticated.</p>
Exhibit 2031	<p>FRE 403: The exhibit is a duplicate of Exhibit 1019 and no further statements are given for presenting cumulative evidence.</p>

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