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Serial Objections to Evidence Are Not Required if Supplemental Evidence Is Filed and Served

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American Honda Motor Co., Inc. v. American Vehicular Sciences LLC

The U.S. Patent and Trademark Office Patent Trial and Appeal Board (PTAB or Board) concluded that a party need not renew an objection to evidence if the opposing party serves supplemental evidence intended to cure the objection. *American Honda Motor Co., Inc. v. American Vehicular Sciences LLC*, Case No. IPR2014-00633 (PTAB, Nov. 3, 2014) (Parvis, APJ).

In the course of an *inter partes* review (IPR) the patent owner, American Vehicular Sciences, objected to an exhibit filed by the petitioner, Honda. In response, the petitioner filed and served four supplemental exhibits intended to cure the patent owner's objection to the original exhibit. The patent owner then timely filed a motion to exclude the original exhibit. After a conference call to discuss whether serial objections to the original exhibit were required to preserve the original objection, the Board ordered that the IPR rules do not require an additional objection so as to preserve a right to file a motion to exclude simply because supplemental evidence has been filed and served.

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