

UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROBERT BOSCH LLC, and
MERCEDES-BENZ USA, LLC,
Petitioners,

v.

WESTPORT FUEL SYSTEMS CANADA INC.,
Patent Owner.

Case No. IPR2023-00293
U.S. Patent No. 6,575,138

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

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioners hereby object to the exhibits cited and relied upon in Patent Owner’s May 3, 2024 response on the following grounds. For each objected to exhibit, the pertinent Federal Rule of Evidence (“FRE”) or other rule that gives rise to the objection is provided, along with a brief summary of the basis of the objection.

1. Ex. 2022 – Declaration of Dr. Christopher Atkinson: FRE 702. Dr. Atkinson’s opinions regarding the operation of Klügl set forth in, for example, paragraphs 63, 67, 73, 78-83, and 86-87 are neither the product of reliable principles and methods nor the result of the reliable application of the principles and methods to the facts of the case.

2. Ex. 2032 – Transcript of the Depositions of Dr. Matt Quinlan: 37 C.F.R. § 42.20, FRE 402. The questioning attorney repeatedly and improperly attempted to interrupt, purported to “object” to, and “move[d] to strike” Dr. Quinlan’s testimony (*see, e.g.*, 24:2-3, 26:18, 27:7, 35:5-6, 36:2, 39:15, 79:1, 80:1, 81:3, 91:3, 92:10, 95:21, 99:1, 102:24, 103:19, 104:13, 105:18, 109:1, 109:9, 113:11, 128:8, 132:18, 142:25, 146:18, 147:6). No prior authorization was provided by the Board regarding any such “mot[ion] to strike” and any questioning attorney characterization of the witness’s testimony is both inaccurate and irrelevant to this proceeding.

3. Exs. 2031, 2033-2037 – Westport Annual Report, Westport Corporate Presentation, various Westport News Releases.: FRE 802. These exhibits include out of court, hearsay statements that are being improperly cited to establish the truth of the matter asserted (*i.e.*, Westport’s products and practices, purported “awards,” and the like). Patent Owner has not established that any hearsay exception applies.

Respectfully submitted,

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Dated: May 10, 2024

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CERTIFICATE OF SERVICE

The undersigned hereby confirms that the foregoing paper was caused to be served on May 10, 2024 via email upon the following counsel of record for Patent

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