

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AFFORDABLE WIRE MANAGEMENT, LLC,  
Petitioner,

v.

CAMBRIA COUNTY ASSOCIATION FOR THE BLIND AND  
HANDICAPPED, INC.,  
Patent Owner.

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IPR2024-00178  
Patent 11,349,291 B2

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**PATENT OWNER'S OBJECTIONS  
TO PETITIONER'S EXHIBITS**

Patent Owner Cambria County Association for the Blind and Handicapped, Inc., pursuant to 37 C.F.R. § 42.64(b)(1), objects to the following exhibits filed on October 17, 2024, by Petitioner Affordable Wire Management, LLC, in connection with Petitioner's Reply to Patent Owner's Response ("Reply"). Patent Owner serves these objections to provide notice that Patent Owner may move to exclude the evidence to which these objections are directed under 37 C.F.R. § 42.64(c). Patent Owner reserves the right to object to the exhibits on grounds in addition to those set forth below, should Petitioner attempt to offer any exhibit for a purpose other than for which the exhibit(s) is/are offered in Petitioner's Reply.

**Exhibit No. 1028 (Transcript of the September 25, 2024, Deposition of Allen Garrett Smith)**

Patent Owner reasserts all objections made during Mr. Smith's deposition pursuant to 37 C.F.R. § 42.64(a) and Consolidated Trial Practice Guide (CTPG), I.F.3, Appendix D at 128.

**Exhibit No. 1029 (Hooks, Hangers & Mine Safety Products, Cambria County Association for the Blind and Handicapped (2010) ("CAB Mine Brochure"))**

Patent Owner objects to the CAB Mine Brochure under **FRE 401, 402, and 403**. Petitioner does not rely upon, cite to, discuss, or otherwise reference CAB

Mine Brochure in its Reply, its Petition, or any of Petitioner's declarations.

Accordingly, Patent Owner objects to the CAB Mine Brochure as not relevant under FRE 401 and inadmissible under FRE 402. The CAB Mine Brochure additionally is of minimal probative value, outweighed by prejudice, and/or a waste of time under FRE 403.

**Exhibit No. 1034 (Capital Dynamics and First Solar power on 280-MWac California Flats Solar Project, Solar Power World Online ("California Flats Press Release"))**

Patent Owner objects to the California Flats Press Release under **FRE 401, 402, and 403**, for at least the reason that Petitioner has failed to establish any relevance to any CAB project. The California Flats Press Release additionally is of minimal probative value, outweighed by prejudice, and/or a waste of time under FRE 403.

Patent Owner further objects to the California Flats Press Release as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner further objects to the California Flats Press Release under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1035 (Patents, Cambria County Association for the Blind and Handicapped (“CAB Virtual Patent Marking”))**

Patent Owner objects to the CAB Virtual Patent Marking under **FRE 401, 402, and 403**. The CAB Virtual Patent Marking is not relevant under FRE 401 and inadmissible under FRE 402 because an assertion that CAB product components are protected by more than one patent does not tend to make a fact of consequence in the proceeding more or less probable. The CAB Virtual Patent Marking additionally is of minimal probative value, outweighed by prejudice, and/or a waste of time under FRE 403.

**Exhibit No. 1036 (Area nonprofit helps the blind & disabled – & nets millions in the process, Daily American (“Daily American Article”))**

Patent Owner objects to the Daily American Article under **FRE 401, 402, and 403**. Petitioner does not rely upon, cite to, discuss, or otherwise reference Daily American Article in its Reply, its Petition, or any of Petitioner's declarations. Accordingly, Patent Owner objects to the Daily American Article as not relevant under FRE 401 and inadmissible under FRE 402. The Daily American Article utterly lacks probative value on the issue of CAB's commercial success attributable to the '291 Patent and is far outweighed by prejudice, and/or a waste of time under FRE 403.

Patent Owner further objects to the Daily American Article as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner further objects to the Daily American Article under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1038 (Declaration of Joshua Weiner (“Weiner Decl.”))**

Patent Owner objects to the Weiner Declaration under **FRE 602, 702 and 703**. Patent Owner objects to the Weiner Declaration as inadmissible under FRE 602 to the extent it includes factual testimony to which the declarant has no personal knowledge. Patent Owner further objects to the Weiner Declaration as inadmissible under FRE 702 and 703 because its statements are not based on scientific, technical, or other specialized knowledge and will not help the trier of fact to understand the evidence or to determine a fact in issue, are not based on sufficient facts or data, are not the product of reliable principles and methods, and do not reflect a reliable application of the principles and methods to the facts of the case. Mr. Weiner has failed to consider sufficient facts and data to support any purported opinions relating to motivation to combine and/or secondary considerations of nonobviousness, including relevant testimony of other declarants submitted in this proceeding, and his failure to consider such facts and data renders

his opinions and/or statements unreliable. Further, Patent Owner objects to Mr. Weiner's purported expert testimony on the basis that he does not possess the level of ordinary skill in the art as defined in this proceeding.

**Exhibit No. 1040 (UL 2703 Standard Scope Summary ("UL 2703"))**

Patent Owner objects to UL 2703 under **FRE 106** because the exhibit fails to set forth the UL 2703 standard and is incomplete.

Patent Owner objects to UL 2703 under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1041 ("Photovoltaic Module Grounding: Issues and Recommendations" White Paper prepared by BEW Engineering (April 2012) ("BEW Engineering White Paper"))**

Patent Owner objects to the BEW Engineering White Paper as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Petitioner fails to provide any evidence of authorship of the BEW Engineering White Paper or other evidence of authenticity, and thus Patent Owner objects to BEW Engineering White Paper under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1043 (“2C\_600V\_Airguard\_UL” multi-conductor cable assembly specification, dated January 18, 2011 (“Prysmian Spec Sheet”))**

Patent Owner objects to the Prysmian Spec Sheet under **FRE 401, 402, and 403**, at least for the reasons that Prysmian Spec Sheet is wholly unrelated to the claimed above-ground messenger wire supported cable management system that comprises hangers with multiple cable carrying surfaces disposed along and suspended from a messenger wire for supporting electrical cables extending from solar panels in a solar power plant.

Patent Owner further objects to the Prysmian Spec Sheet as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner further objects to the Prysmian Spec Sheet under FRE 901 and 902 for failure of authentication.

**Exhibit No. 1044 (Images of SnakeTray mock-up at SPG Solar's facility in Novato, CA, dated 2011 (“Cable Tray Photographs”))**

Patent Owner objects to the Cable Tray Photographs under **FRE 401, 402, and 403**, at least for the reasons that Cable Tray Photographs is wholly unrelated to the claimed above-ground messenger wire supported cable management system that comprises hangers with multiple cable carrying surfaces disposed along and

suspended from a messenger wire for supporting electrical cables extending from solar panels in a solar power plant.

**Exhibit No. 1045 (“Solar Snake Tray Announces New Cable Tray that Attaches to Messenger Wire Rope for Solar Installations,” Snake Tray)**

Patent Owner objects to Exhibit No. 1045 under **FRE 401, 402, and 403**, at least for the reason that Exhibit No. 1045 is wholly unrelated to the claimed above-ground messenger wire supported cable management system that comprises hangers with multiple cable carrying surfaces disposed along and suspended from a messenger wire for supporting electrical cables extending from solar panels in a solar power plant.

Patent Owner further objects to Exhibit No. 1045 as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner objects to Exhibit No. 1045 under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1046 (“Snake Tray Offers New Double Tier, Dual Purpose Cable Tray for MC Cables and Datacom Cables,” Snake Tray)**

Patent Owner objects to Exhibit No. 1046 under **FRE 401, 402, and 403**, at least for the reason that Exhibit No. 1046 is wholly unrelated to the claimed above-

ground messenger wire supported cable management system that comprises hangers with multiple cable carrying surfaces disposed along and suspended from a messenger wire for supporting electrical cables extending from solar panels in a solar power plant.

Patent Owner further objects to Exhibit No. 1046 as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner objects to Exhibit No. 1046 under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1054 (U.S. Patent No. 11,569,646 (the “ ‘646 Patent”))**

Patent Owner objects to the ‘646 Patent under **FRE 401, 402, and 403**, on the basis that an assertion that CAB product components are protected by more than one patent does not tend to make a fact of consequence in the proceeding more or less probable. The ‘646 Patent additionally is of minimal probative value, outweighed by prejudice, and/or a waste of time under FRE 403.

**Exhibit No. 1055 (Declaration of Minh P. Doan (“Doan Declaration”))**

Patent Owner objects to the Doan Declaration under **FRE 702 and 703**.  
Patent Owner objects to the Doan Declaration as inadmissible under FRE 702 and 703 because its statements are not based on scientific, technical, or other

specialized knowledge and will not help the trier of fact to understand the evidence or to determine a fact in issue, are not based on personal knowledge or on evidence that is authenticated or otherwise shown to be sufficiently reliable, are not the product of reliable principles and methods, and do not reflect a reliable application of the principles and methods to the facts of the case. Ms. Doan has failed to consider sufficient facts and data to support any purported opinions relating to secondary considerations of nonobviousness.

**Exhibit No. 1056 (“Utility-Scale Solar, 2023 Edition,” Berkeley Lab  
 (“Utility-Scale Solar”))**

Patent Owner objects to Utility-Scale Solar under **FRE 702 and 703**. Patent Owner objects to Utility-Scale Solar as inadmissible under FRE 702 and 703 because Utility-Scale Solar has not been authenticated or otherwise shown to be reliable or the kinds of facts or data that an expert in this field would reasonably rely upon in forming an opinion.

Patent Owner further objects to Utility-Scale Solar as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner further objects to Utility-Scale Solar under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1057 (“Solar Market Insight Report 2018 Year In Review,”  
Solar Energy Industries Association (“Solar Market Insight Report”))**

Patent Owner objects to the Solar Market Insight Report under **FRE 106**.  
Petitioner has failed to demonstrate that Solar Market Insight Report is a complete copy of the document the exhibit purports to represent, and Patent Owner therefore objects to Solar Market Insight Report under **FRE 106**.

Patent Owner further objects to the Solar Market Insight Report as not relevant under **FRE 401** and inadmissible under **FRE 402** on the issue of CAB's commercial success attributable to the '291 Patent.

**Exhibit No. 1058 (“World's largest solar farm is up and running in California,” Tech Xplore (“Owano Article”))**

Patent Owner objects to the Owano Article under **FRE 401, 402, and 403**, for at least the reason that Petitioner has failed to establish any relevance to any CAB project. The Owano Article additionally is of minimal probative value, outweighed by prejudice, and/or a waste of time under FRE 403.

Patent Owner further objects to the Owano Article as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner objects to the Owano Article under **FRE 901 and 902** for failure of authentication.

**Exhibit No. 1059 (“Utility-Scale Solar: Technology Trends, 2007-2023,”  
Berkeley Lab (“Technology Trends”))**

Patent Owner objects to Technology Trends under **FRE 702 and 703**. Patent Owner objects to Technology Trends as inadmissible under FRE 702 and 703 because Technology Trends has not been authenticated or otherwise shown to be reliable or the kinds of facts or data that an expert in this field would reasonably rely upon in forming an opinion.

Patent Owner further objects to Technology Trends as inadmissible hearsay under **FRE 801** to which no exception applies, and it therefore is inadmissible under **FRE 802 and 803**.

Patent Owner further objects to Technology Trends under **FRE 901 and 902** for failure of authentication.

Dated: October 24, 2024

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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that on this 24th day of October, 2024, a true and correct copy of the foregoing **Patent Owner's Objections to Petitioner's Exhibits** by electronic mail on Petitioner's lead and backup counsel at the following email addresses:

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