

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ADC SOLUTIONS AUTO LLC
Petitioner

v.

THE NOCO COMPANY
Patent Owner

Case IPR2024-00577
US Patent No. 11,447,023

Before DAVID C. MCKONE, AVELYN M. ROSS, and JASON M. REPKO,
Administrative Patent Judges.

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner ADC Solutions Auto LLC (“Petitioner”) provides the following objections to evidence submitted in connection with Patent Owner’s Response (Paper 12) and filed by Patent Owner The NOCO Company (“Patent Owner”).

Exhibit 2011—Expert Declaration of Dr. Ayman Fayed: Petitioner objects to the admissibility of Exhibit 2011 under FRE 701–703, because it contains opinions that are conclusory, that do not disclose supporting facts or data, that are based on unreliable facts, data, or methods, and that include testimony outside the scope of Dr. Fayed’s specialized knowledge (to the extent Dr. Fayed has such knowledge) that will not assist the trier of fact.

Petitioner further objects to Exhibit 2011 as containing opinions that are irrelevant, confusing, and present the danger of unfair prejudice under FRE 401–403. Specifically, Petitioner objects to Exhibit 2011 as lacking sound evidentiary basis, biased, vague, misleading, confusing the issues, and as more prejudicial than probative under FRE 403.

Petitioner objects to select paragraphs of Dr. Fayed’s declaration as described below:

¶¶ 23, 25, 26, 32, 34, 39, 41, 42-45, 46, 48, 64, 70-73, 75, 76-77, 78-85, 89-91, 92-95, 96-97, 99, 107-108, 113, 115, 118, 122: Petitioner objects to these paragraphs under FRE 701–703 as expert testimony not based on sufficient facts or

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data, and not the product of reliable principles and methods. Petitioner further objects to these paragraphs under FRE 401–403 on the grounds of relevance and as more prejudicial than probative.

The fact that Petitioner has not objected to certain paragraphs or portions of Exhibit 2011 provides no indication that Petitioner agrees to the positions asserted therein.

Dated: December 2, 2024

Respectfully submitted,

By: /Daisy Manning/
Daisy Manning, Reg. No. 66,369
Paul L. Smelcer, Reg. No. 74,975
HUSCH BLACKWELL LLP
8001 Forsyth Boulevard, Suite 1500
St. Louis, MO 63105
(314) 480-1500 Telephone
(314) 480-1505 Facsimile
PTAB-DManning@huschblackwell.com
Paul.Smelcer@huschblackwell.com

Counsel for Petitioner

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CERTIFICATE OF SERVICE

I hereby certify that on this 2nd day of December 2024, the foregoing was served via electronic mail to the attorneys of record for the '023 Patent at the following:

Joseph M. Sauer, Reg. No. 47,919
David B. Cochran, Reg. No. 39,142
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114
jmsauer@jonesday.com
dcochran@jonesday.com

Matthew W. Johnson, Reg. No. 59,108
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
mwjohnson@jonesday.com

John M. Graves, Reg. No. 77,147
JONES DAY
90 South Seventh Street, Suite 4950
Minneapolis, MN 55402
jgraves@jonesday.com

By: /Daisy Manning/
Daisy Manning, Reg. No. 66,369
Lead Counsel for Petitioner