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
U.S. Patent No. 11,447,023

PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R. § 42.64(b)(1) TO PETITIONER'S EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner The NOCO Company ("Patent Owner") hereby submits these objections to evidence served with Petitioner's Reply on February 14, 2025, in the above-captioned IPR proceeding. This notice is being timely filed within 5 business days of Petitioner's service of its Reply.

Patent Owner objects to the admissibility of the exhibits listed below as contrary to the requirements set forth in the United States Patent and Trademark Office's Consolidated Trial Practice Guide (November 2019). The Trial Practice Guide makes clear that "Petitioner may not submit new evidence or argument in reply that it could have presented earlier, e.g. to make out a prima facie case of unpatentability." *USPTO Trial Practice Guide* at 73. Patent Owner also objects to the admissibility of these exhibits under Federal Rule of Evidence 403 as unfairly prejudicial, tending to confuse the issues, and/or a waste of time, and under FRE 701-703 as being conclusory, lacking disclosure of supporting facts or data, being based on unreliable facts, data, or methods, and/or including testimony outside the scope of Dr. MacCarley's specialized knowledge.

Patent Owner also objects to the portions of Petitioner's Reply that cite to the below exhibits, and to other portions of Petitioner's Reply that include new arguments that could have been presented earlier. Notwithstanding these objections,

Patent Owner expressly reserves the right to rely on any evidence submitted by Petitioner, including on the ground that such evidence constitutes a party admission.

EXHIBIT	PETITIONER'S DESCRIPTION OF DOCUMENT	OBJECTIONS
1044 (Paragraphs 4-12, 16-17, Appendix A)	MacCarley Reply Declaration	37 C.F.R. § 42.23(b) Patent Owner objects to this document as evidence that could have been presented earlier. FRE 403 Patent Owner objects to this document under FRE 403 as misleading, confusing, and unhelpful to the extent Petitioner relies on this document for purposes other than proper impeachment during cross-examination of any reply witness. Patent Owner further objects because the probative value is substantially outweighed by the danger of unfair prejudice. FRE 701-703 Patent Owner objects to this document under FRE 701-703 as containing 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. MacCarley's specialized knowledge (to the extent Dr. MacCarley has such knowledge)

EXHIBIT	PETITIONER'S DESCRIPTION OF DOCUMENT	OBJECTIONS
		that will not assist the trier of fact.
1046 (pp. 4-5, ¶ 10, Ex. A)	Stanfield Declaration IPR2020-00944	37 C.F.R. § 42.23(b) Patent Owner objects to this document as evidence that could have been presented earlier. FRE 403 Patent Owner objects to this document under FRE 403 as misleading, confusing, and unhelpful to the extent Petitioner relies on this document for purposes other than proper impeachment during cross-examination of any reply witness. Patent Owner further objects because the probative value is substantially outweighed by the danger of unfair prejudice.
1047	U.S. 8,594,144	37 C.F.R. § 42.23(b) Patent Owner objects to this document as evidence that could have been presented earlier. FRE 403 Patent Owner objects to this document under FRE 403 as misleading, confusing, and unhelpful to the extent Petitioner relies on this document for purposes other than proper impeachment during cross-examination of any reply

EXHIBIT	PETITIONER'S DESCRIPTION OF DOCUMENT	OBJECTIONS
		witness. Patent Owner further objects because the probative value is substantially outweighed by the danger of unfair prejudice.

Respectfully Submitted,

Dated: February 21, 2025

/Joseph M. Sauer/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on February 21, 2025, a complete and entire copy of **PATENT OWNER'S OBJECTIONS UNDER 37 C.F.R.§ 42.64(b)(1) TO PETITIONER'S EVIDENCE** has been served in its entirety by e-mail on the following counsel of record for Petitioner:

Lead Counsel:	**Back-up Counsel**
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Dated: February 21, 2025

/Joseph M. Sauer/
Counsel for Patent Owner