

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASCEND ELEMENTS, INC.,
Petitioner,

v.

DUESENFELD GMBH,
Patent Owner.

IPR2024-00948
Patent 11,050,097

Before MEREDITH C. PETRAVICK, CHRISTPHER M. KAISER, and KEVIN
W. CHERRY, *Administrative Patent Judges*.

**PETITIONER ASCEND ELEMENTS, INC.'S
OBJECTIONS TO PATENT OWNER'S EXHIBITS**

Pursuant to 37 C.F.R. § 42.64(b)(1), the undersigned, on behalf of and acting in a representative capacity for Petitioner Ascend Elements, Inc. (“Petitioner”), hereby submits the following objections to Duesenfeld GmbH’s (“Patent Owner”) Exhibits 2022, 2025-2028, 2030-2034, 2036-2044, 2046-2047, 2049-2053, and 2056-2059, and any reference thereto/reliance thereon, without limitation. Petitioner’s objections below apply the Federal Rules of Evidence (“F.R.E.”) as required by 37 C.F.R § 42.62. These objections address evidentiary deficiencies in the material submitted by Patent Owner with its Response on February 14, 2025.

I. OBJECTIONS TO EXHIBIT 2022 (DECLARATION OF VANI DANTAM)

Petitioner objects to Exhibit 2022 for at least the following reasons:

- Under **F.R.E. 702 and 703**, Mr. Dantam’s opinions in Exhibit 2022 are inadmissible because they are conclusory, do not disclose underlying facts or data in support of his opinions, and are unreliable. In addition, Mr. Dantam is unqualified as an expert to provide technical opinions of a person skilled in the art. *See, e.g.*, Ex. 2022 at ¶¶ 4-16.
- Under **F.R.E. 401-403**, the opinions in Exhibit 2022 are irrelevant, confusing, and of minimal probative value. For example, and without limitation, paragraphs 39-46 are not substantively relied upon by Patent Owner in its Response, and are thus irrelevant. Moreover, at least paragraphs 83-84, 120, 132-147, 152-158, 160, 162, and 189-191

include information that is irrelevant or whose probative value is substantially outweighed by the dangers of unfair prejudice and confusion of the issues.

II. OBJECTIONS TO EXHIBITS 2025-2028, 2030-2034, 2036-2039, 2041-2044, 2046-2047, 2049-2053, AND 2056-2059

Petitioner objects to Exhibits 2025-2028, 2030-2034, 2036-2039, 2041-2044, 2046-2047, 2049-2053, and 2056-2059 for the following reasons:

- Under **F.R.E. 401-403** because they include information that is irrelevant and/or unhelpful and because their probative value is substantially outweighed by the dangers of unfair prejudice and confusion of the issues.
- Under **F.R.E. 801-803** as containing impermissible hearsay to the extent these exhibits are offered for the truth of the matter asserted in them without establishing that any valid hearsay exception applies.
- Under **F.R.E. 901** because Patent Owner has failed to authenticate the documents by presenting evidence sufficient to support a finding that the documents are what Patent Owner claims them to be. Further, there is no evidence that Exhibits 2025-2028, 2030-2034, 2036-2039, 2041-2044, 2046-2047, 2049-2053, and 2056-2059 are self-authenticating under **F.R.E. 902**.

III. OBJECTIONS TO EXHIBIT 2040 (DECLARATION OF LYDIA GROTE)

Petitioner objects to Exhibit 2040 for the following reasons:

- Under **F.R.E. 602**, to the extent that Ms. Grote lacks personal knowledge of all the facts set forth in her declaration.
- Under **F.R.E. 401-403**, for including information that is irrelevant or whose probative value is substantially outweighed by the dangers of unfair prejudice and confusion of the issues.
- Under **F.R.E. 701**, at least paragraphs 4-9 and 12, are inadmissible because Ms. Grote is not presented as an expert under F.R.E. 702 and therefore may not present opinions that are based on scientific, technical, or other specialized knowledge within the scope of Rule 702.
- Under **F.R.E. 801-803**, at least paragraphs 7-12 are inadmissible as containing impermissible hearsay without establishing that any valid hearsay exception applies.

Respectfully submitted,

Dated: Feb. 24, 2025

/s/ Ryan Iwahashi
Ryan Iwahashi (Reg. # 63,378)
*Attorney for Petitioner, Ascend
Elements, Inc.*

CERTIFICATE OF SERVICE

The undersigned certifies that these foregoing PETITIONER ASCEND ELEMENTS, INC.'S OBJECTIONS TO PATENT OWNER's EXHIBITS were served by filing these documents through the Patent Trial and Appeal Board End to End (PTAB E2E) as well as providing a courtesy copy via e-mail to the following attorneys of record for the Patent Owner listed below:

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Date: February, 24, 2025

/s/ Ryan Iwahashi
Ryan Iwahashi (Reg. # 63,378)