

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELTRAN USA LLC,
Petitioner

v.

THE NOCO COMPANY,
Patent Owner

Case IPR2024-01219
Patent No. 11,667,203

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

Pursuant to 37 C.F.R. § 42.64 and the Federal Rules of Evidence, as applied by the Patent Trial and Appeal Board, Petitioner Deltran USA LLC (“Deltran” or “Petitioner”) provides the following objections to evidence submitted by Patent Owner The NOCO Company (“NOCO” or “Patent Owner”). These objections are timely served within five (5) business days of service of the evidence pursuant to 37 C.F.R. § 42.64(b)(1).

Exhibit 2003—Expert Declaration of Dr. Ayman Fayed

Petitioner objects to the admissibility of Exhibit 2003 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 2003 as containing opinions that are irrelevant, confusing, and present the danger of unfair prejudice under FRE 401–403. Specifically, Petitioner objects to Exhibit 2003 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:

¶¶ 24, 25, 26, 27, 33, 35, 37, 39, 41, 44, 46, 49, 50, 51, 53, 54, 58, 65, 71-74, 75, 76, 77, 78, 79-86, 87-88, 89-93, 95, 97-99, 100-104, 106, 108-109, 110, 111, 116, 119, 124, 125, 126-130, 133-134, 138, 139, 140, 141-145, 147, 149, 150, 151, 152, 154, 155, 157, 158, 159, 161, 163, 164, 166, 171, 173, 174.

Petitioner objects to these paragraphs under FRE 701–703 as expert testimony not based on sufficient facts or 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.

Exhibit 2008—Car and Driver Best Portable Jump Starters for 2025

Deltran objects to Exhibit 2008 because it is not cited to or relied upon in the Patent Owner Response. Patent Owner has, therefore, failed to establish the relevance of the exhibit and the exhibit should be excluded as irrelevant. *See* Fed. R. Evid. 401 and 402; *see also* 37 C.F.R. § 42.104 (“The Board may exclude or give no weight to the evidence where a party has failed to state its relevance or to identify specific portions of the evidence that support the challenge.”).

Dated: June 18, 2025

Respectfully submitted,

By: /Ryan N. Miller/
Ryan N. Miller
Reg. No. 68,262
Counsel for Petitioner
Deltran USA LLC

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of June 2025, a copy of the foregoing
was served by electronic mail on Patent Owner's counsel as follows:

Joseph M. Sauer,
Reg. No. 47,919
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7506
jmsauer@jonesday.com

Matthew W. Johnson,
Reg. No. 59,108
JONES DAY
500 Grant Street, Suite 4500
Pittsburgh, PA 15219
(412) 394-9524
mwjohnson@jonesday.com

David B. Cochran,
Reg. No. 39,142
JONES DAY
901 Lakeside Avenue
Cleveland, Ohio 44114
(216) 586-7029
dcochran@jonesday.com

John M. Graves,
Reg. No. 77,147
JONES DAY
90 South Seventh Street, Suite 4950
Minneapolis, MN 55402
(612) 217-8800
jgraves@jonesday.com

Respectfully submitted,

Dated: June 18, 2025

By: /Ryan N. Miller/
Ryan N. Miller
Reg. No. 68,262
Counsel for Petitioner
Deltran USA LLC