

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AVATION MEDICAL, INC.,

Petitioner,

v.

EMKINETICS, INC.,

Patent Owner.

Review No. IPR2024-01375

U.S. Patent No. 11,224,742

**PATENT OWNER'S OBJECTIONS TO
PETITIONER'S REPLY EVIDENCE**

Pursuant to the Federal Rules of Evidence and 37 C.F.R. § 42.64, Patent Owner EMKinetics, Inc. (“Patent Owner”) objects to evidence submitted by Aviation Medical Inc. (“Petitioner”) with Petitioner’s Reply To Patent Owner’s Response. Patent Owner may move to exclude the challenged exhibits under 37 C.F.R. § 42.64(c).

Exhibits 1091-1095, 1099-1100

Patent Owner objects to Exhibits 1091-1095, 1099-1100 and any reference to or reliance thereon, as being inadmissible because they were filed belatedly without proper authorization under 37 C.F.R. §§ 42.61 and 42.123(b) and 35 U.S.C. § 312. Patent Owner objects to Exhibits 1091-1095, 1099-1100 as impermissible new evidence provided in Petitioner’s Reply. Petitioner could have, and should have, presented Exhibits 1091-1095, 1099-1100 with its Petition. Patent Owner objects to Exhibits 1091-1095, 1099-1100 under Fed. R. Evid. 401 and 403 because Petitioner’s undue delay in filing Exhibits 1091-1095, 1099-1100 causes unfair prejudice to Patent Owner, is a waste of the Board’s time, and needlessly presents cumulative evidence, and because Exhibits 1091-1095, 1099-1100 do not have any tendency to make a consequential fact more or less probable than it would be without the evidence. Patent Owner further objects to Exhibits 1091-1095, 1099-1100 under Fed. R. Evid. 802 as inadmissible hearsay.

Exhibit 1096 – Declaration of Todd R. Tucker

Patent Owner objects to Exhibit 1096, and any reference to or reliance thereon, as being inadmissible because it was filed belatedly without proper authorization under 37 C.F.R. §§ 42.61 and 42.223(b) and 35 U.S.C. § 322. Patent Owner objects to Exhibit 1096 as impermissible new evidence provided in Petitioner's Reply. Petitioner could have, and should have, presented Exhibit 1096 with its Petition. Patent Owner objects to Exhibit 1096 under Fed. R. Evid. 401 and 403 because Petitioner's undue delay in presenting the arguments in Exhibit 1096 causes unfair prejudice to Patent Owner, is a waste of the Board's time, and needlessly presents cumulative evidence, and because Exhibits 1096 does not have any tendency to make a consequential fact more or less probable than it would be without the evidence. Patent Owner further objects to Exhibit 1096 under Fed. R. Evid. 602 on the grounds that the declarant lacks personal knowledge to make the statements contained therein.

Respectfully submitted,

Date: October 3, 2025

/David Gerasimow/

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), the undersigned certifies that on October 3, 2025, a complete and entire copy of this Patent Owner's Objections to Petitioner's Reply Evidence was provided via email to the Petitioner by serving the email correspondence addresses of record as follows:

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