

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CMS CEP COR LTD. and
CMS CEP COR AMERICAS LLC,
Petitioner,

v.

SANDVIK INTELLECTUAL PROPERTY AB,
Patent Owner.

Patent No. 11,014,090

Inter Partes Review No. IPR2024-01381

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Sandvik Intellectual Property AB (“Sandvik” or “Patent Owner”) hereby objects to the following evidence that was submitted by CMS Cepcor Ltd. and CMS Cepcor Americas LLC (collectively “CMS Cepcor” or “Petitioner”) with its Petitioner’s Reply (“Reply;” Paper 18) and with its Opposition to Patent Owner’s contingent Motion to Amend (“Opposition;” Paper 19) in the above- captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely filed and served within five (5) business days of the service of the Opposition.

A. Exhibit 1044 (Declaration 2 of David Smith)

Patent Owner objects to Exhibit 1044 as Owner objects to Exhibit 1044 as irrelevant, lacking foundation, assuming fact not in evidence, calling for legal conclusions, and mischaracterizing evidence. Patent Owner further objects to Exhibit 1044 to the extent it includes expert opinions for which the factual bases have not been disclosed, for which Mr. Smith does not have personal knowledge (Fed. R. Evidence (FRE) 602), and to the extent Mr. Smith’s opinions constitute unreliable expert testimony under FRE 702 and 703.

Patent Owner objects to the portions of Exhibit 1044 not discussed or cited in the Reply and/or Opposition as not being relevant to the Reply and/or Opposition. If the objected to material was not discussed or cited in the Reply and/or Opposition, Patent Owner has had no fair opportunity to respond to

Petitioner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Patent Owner.

Accordingly, those paragraphs of Exhibit 1044 are objected to as not being relevant to any issue in the proceeding.

B. Exhibit 1046 (Shigley)

Patent Owner objects to Exhibit 1046 as being incomplete which results in a "misleading impression created by taking matters out of context."

Patent Owner objects to the portions of Exhibit 1046 not discussed or cited in the Reply and/or Opposition as not being relevant to the Reply and/or Opposition. If the objected to material was not discussed or cited in the Reply and/or Opposition, Patent Owner has had no fair opportunity to respond to Petitioner's unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Patent Owner.

For at least these reasons, Exhibit 1046 is irrelevant and unduly prejudicial. (*See* FRE 401-403.) The probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the decisionmaker, undue delay, wasting time, or needlessly presenting cumulative evidence. (FRE 403.)

C. Exhibit 1046 or 1047 (Munsun)

Patent Owner objects to Exhibit 1046 or 1047 as Patent Owner objects to Exhibit 1046 as being irrelevant and/or unduly prejudicial. (*See* FRE 401-403.) The exhibit appears undated, and it appears to relate to a different proceeding.

Patent Owner objects to Exhibit 1046 or 1047 as lacking foundation and lacking authentication under FRE 901.

Patent Owner objects to Exhibit 1046 or 1047 as being incomplete which results in a “misleading impression created by taking matters out of context.”

Patent Owner objects to this exhibit as containing hearsay to the extent that Petitioner attempts to rely on its to provide the truth of any matter described therein under FRE 801 and FRE 802. For example, Petitioner fails to offer sufficient evidence that Exhibit 1046 or 1047 was publicly accessible in its present form as of the alleged publication date. Petitioner fails to offer any evidence that Exhibit 1046 is what Petitioner claims it to be.

Patent Owner objects to the portions of Exhibit 1046 or 1047 not discussed or cited in the Reply and/or Opposition as not being relevant to the Reply and/or Opposition. If the objected to material was not discussed or cited in the Reply and/or Opposition, Patent Owner has had no fair opportunity to respond to Petitioner’s unstated contentions (if any) regarding the same. Such information is irrelevant, and its consideration would be unfairly prejudicial to Patent Owner.

For at least these reasons, Exhibit 1046 or 1047 is irrelevant and unduly prejudicial. (See FRE 401-403.) The probative value is substantially outweighed by the danger of unfair prejudice, confusing the issues, misleading the decisionmaker, undue delay, wasting time, or needlessly presenting cumulative evidence. (FRE 403.)

Dated: September 23, 2025

Respectfully submitted,

By: /Mehran Arjomand/
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Counsel for Patent Owner

Certificate of Service (37 C.F.R. § 42.6(e)(4))

I hereby certify that the attached PATENT OWNER'S OBJECTIONS TO EVIDENCE was served as of the below date on the Petitioner via e-mail (by agreement) to the following counsel of record:

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Dated: September 23, 2025

/Mehran Arjomand/
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