

Filed on behalf of: CMS Cepcor Ltd., and
CMS Cepcor Americas LLC

By: Terry M. Sanks (tsanks@firstiniplaw.com) (litigation@firstiniplaw.com)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

SANDVIK INTELLECTUAL PROPERTY AB,
Patent Owner.

Case No. IPR2024-01381
Patent No. 11,014,090

PETITIONERS' OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b), Petitioners, CMS CEP COR LTD., and CMS CEP COR AMERICAS LLC (hereafter “Petitioners”), object to the admissibility of evidence filed and served by Patent Owner, SANDVIK INTELLECTUAL PROPERTY AB (hereafter “Patent Owner”), with its PATENT OWNER’S REPLY TO PETITIONER’S OPPOSITION TO REVISED NON-CONTINGENT MOTION TO AMEND (Paper 36) in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely served and filed within 5 business days from Patent Owner’s service of the evidence below.

A. Exhibit 2022 - Fifth Declaration of Harri Kytömaa, Ph.D.

Petitioners object to Exhibit 2022 to the extent it is irrelevant, lacking foundation, assuming facts not in evidence, and calls for legal conclusions. Petitioners also object to the following paragraphs of this Exhibit as mischaracterizing evidence:

- ¶¶ 13 – 35, 37, 47, 50 (as it relates to Piepho);
- ¶¶ 32, 34 – 35, 37 – 39, 42, 46, 48, 50 52 – 54, 56 – 58 (as it relates to Petitioners’ expert, Mr. David Smith);
- ¶¶ 38, 46 – 48, 50 – 53, 58 (as it relates to Yagi);
- ¶¶ 39 – 42, 44, 46 (as it relates to Polinski);
- ¶ 45 (as it relates to Harless); and
- ¶¶ 48, 52, 54 (as it relates to Petitioners’ use of evidence).

Additionally, Petitioners object to the following paragraphs of this Exhibit as irrelevant under Fed. R. Evid. 402 and as prejudicial, misleading, confusing, and/or a waste of time under Fed. R. Evid. 403 because they have no tendency to make any consequential fact more or less probable, as these paragraphs are not referenced, relied upon, or otherwise explained in the Patent Owner's Reply: ¶¶ 1-12, 43-53. Petitioners also object to these paragraphs to the extent they are not relevant to the Reply due to their failure to be discussed or cited. If the objected to material was not discussed or cited in the Reply, Petitioners have not been presented a fair opportunity to respond to Patent Owner's unstated contentions within ¶¶ 1-12, 43-53.

Moreover, Petitioners object to the following paragraphs of this Exhibit under Fed. R. Evid. 801 and 802 to the extent they are being offered to prove the truth of the matter asserted and represent inadmissible hearsay:

- ¶ 14 (as it relates to Exhibit 1001-1);
- ¶¶ 17 – 18 (as it relates to Exhibit 2024 and its application);
- ¶¶ 19 - 21 (as it relates to Exhibit 2025 and its application);
- ¶¶ 29 - 31 (as it relates to Exhibit 2026 and its application); and
- ¶¶ 32 - 33 (as it relates to Exhibit 2027 and its application).

Patent Owner also fails to offer any evidence that Exhibit 2024, Exhibit 2025, Exhibit 2026, and Exhibit 2027 are what Patent Owner claims them to be.

Petitioner further objects to this Exhibit under 37 C.F.R. § 42.6(c), as the declaration cites “evidence” that has not been filed in the form of an exhibit. Specifically, the declaration cites evidence in paragraph 4 that has not been included or otherwise identified as exhibits. Petitioner also objects to the evidence cited in this paragraph under Fed. R. Evid. 901 for failure to identify the evidence.

In light of the above, Petitioners object to the totality of this Exhibit to the extent Mr. Kytömaa’s opinion constitutes unreliable expert testimony under Fed. R. Evid. 702 and 703.

B. Exhibit 2023 - U.S. Patent No. 4,034,922 to Coxhill (“Coxhill ’922”)

Petitioners object to this Exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable, as it does not actually teach, suggest, or disclose the features of the challenged claims and this Exhibit is not referenced, relied upon, or otherwise explained in the Patent Owner’s Reply: Petitioners also objects to this Exhibit to the extent it is not relevant to the Reply due to their failure to be discuss or cite the Exhibit. If the objected to material was not discussed or cited in the Reply, Petitioners have not been presented a fair opportunity to respond to Patent Owner’s unstated contentions within the Exhibit.

Moreover, Petitioners object to this Exhibit under Fed. R. Evid. 801 and 802 to the extent it is being offered to prove the truth of the matter asserted and represents

inadmissible hearsay. For example, the discussion of this Exhibit is limited to its reference as “a sister patent” to Exhibit 2019.

C. Exhibit 2024 - Innovative Combustion Technologies, Inc. “Optimum Operation and Maintenance of EL Pulverizers”

Petitioners object to this Exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable, as this Exhibit is not referenced, relied upon, or otherwise explained in the Patent Owner’s Reply: Petitioners also objects to this Exhibit to the extent it is not relevant to the Reply due to their failure to be discuss or cite the Exhibit. If the objected to material was not discussed or cited in the Reply, Petitioners have not been presented a fair opportunity to respond to Patent Owner’s unstated contentions within the Exhibit.

Moreover, Petitioners object to this Exhibit under Fed. R. Evid. 801 and 802 to the extent it is being offered to prove the truth of the matter asserted and represents inadmissible hearsay. For example, the discussion of this Exhibit is limited to the Fifth Declaration of Harri Kytömaa, Ph.D.

Finally, Petitioners also object to this Exhibit as not authenticated under Fed. R. Evid. 901 and 902, as Patent Owner fails to offer any evidence that this Exhibit is what Patent Owner claims it to be.

D. Exhibit 2025 -
<https://www.rockprocessing.sandvik/en/products/stationarycrushers/stationary-cone-crushers/ch440-cone-crusher/> (Last accessed Dec. 15, 2025)

Petitioners object to this Exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable, as this Exhibit is not referenced, relied upon, or otherwise explained in the Patent Owner's Reply: Petitioners also objects to this Exhibit to the extent it is not relevant to the Reply due to their failure to be discuss or cite the Exhibit. If the objected to material was not discussed or cited in the Reply, Petitioners have not been presented a fair opportunity to respond to Patent Owner's unstated contentions within the Exhibit.

Moreover, Petitioners object to this Exhibit under Fed. R. Evid. 801 and 802 to the extent it is being offered to prove the truth of the matter asserted and represents inadmissible hearsay. For example, the discussion of this Exhibit is limited to the Fifth Declaration of Harri Kytömaa, Ph.D.

Finally, Petitioners object to this Exhibit as not authenticated under Fed. R. Evid. 901 and 902, as Patent Owner fails to offer any evidence that this Exhibit is what Patent Owner claims it to be.

E. Exhibit 2026 - Sandvik CH440 Crusher Maintenance Instructions

Petitioners object to this Exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable, as this Exhibit is not referenced, relied upon, or otherwise explained in the Patent Owner's Reply:

Petitioners also objects to this Exhibit to the extent it is not relevant to the Reply due to their failure to be discuss or cite the Exhibit. If the objected to material was not discussed or cited in the Reply, Petitioners have not been presented a fair opportunity to respond to Patent Owner's unstated contentions within the Exhibit.

Moreover, Petitioners object to this Exhibit under Fed. R. Evid. 801 and 802 to the extent it is being offered to prove the truth of the matter asserted and represents inadmissible hearsay. For example, the discussion of this Exhibit is limited to the Fifth Declaration of Harri Kytömaa, Ph.D.

Finally, Petitioners object to this Exhibit as not authenticated under Fed. R. Evid. 901 and 902, as Patent Owner fails to offer any evidence that this Exhibit is what Patent Owner claims it to be.

F. Exhibit 2027 - YouTube Video entitled Sandvik Parts Evolution (<https://www.youtube.com/watch?v=P-6xpGLxv2U>)

Petitioners object to this Exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable, as this Exhibit is not referenced, relied upon, or otherwise explained in the Patent Owner's Reply: Petitioners also objects to this Exhibit to the extent it is not relevant to the Reply due to their failure to be discuss or cite the Exhibit. If the objected to material was not discussed or cited in the Reply, Petitioners have not been presented a fair opportunity to respond to Patent Owner's unstated contentions within the Exhibit.

Moreover, Petitioners object to this Exhibit under Fed. R. Evid. 801 and 802 to the extent it is being offered to prove the truth of the matter asserted and represents inadmissible hearsay. For example, the discussion of this Exhibit is limited to the Fifth Declaration of Harri Kytömaa, Ph.D.

Finally, Petitioners object to this Exhibit as not authenticated under Fed. R. Evid. 901 and 902, as Patent Owner fails to offer any evidence that this Exhibit is what Patent Owner claims it to be.

G. Exhibit 2028 - U.S. Patent No. 4,027,825 (“Coxhill ’825”)

Petitioners object to this Exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403 because it has no tendency to make any consequential fact more or less probable, as it does not actually teach, suggest, or disclose the features of the challenged claims and this Exhibit is not referenced, relied upon, or otherwise explained in the Patent Owner's Reply. Petitioners also objects to this Exhibit to the extent it is not relevant to the Reply due to their failure to be discuss or cite the Exhibit. If the objected to material was not discussed or cited in the Reply, Petitioners have not been presented a fair opportunity to respond to Patent Owner's unstated contentions within the Exhibit.

Moreover, Petitioners object to this Exhibit under Fed. R. Evid. 801 and 802 to the extent it is being offered to prove the truth of the matter asserted and represents

inadmissible hearsay. For example, the discussion of this Exhibit is limited to its reference as a “considered” patent for the history of an entirely separate patent.

Dated: December 23, 2025

/s/ Terry M. Sanks/
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CERTIFICATE OF SERVICE

I hereby certify that, on December 23, 2025, a true and correct copy of the foregoing Motion was served on the Patent Owner via electronic means (by agreement of the parties) at the address listed below:

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Date: December 23, 2025.

/s/Terry M. Sanks

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