

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

American Axle & Manufacturing, Inc.
Petitioner,

v.

Neapco Components, LLC,
Patent Owner

IPR2025-00090
U.S. Patent 11,434,958

**PETITIONER’S MOTION TO SUBMIT
SUPPLEMENTAL INFORMATION**

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PETITIONER’S EXHIBITS CITED IN THIS MOTION*

Exhibit	Description
1037	Declaration of Todd Harris
1038	Declaration of Bryan Laidlaw
1042	Email from Robert Kappers regarding Rule 26(f) Conference in <i>Neapco Components, LLC v. Am. Axle & Mfg., Inc.</i> , 2:23-cv-12470-LVP-EAS (E.D. Mich.) (Dated January 29, 2025)
1043	Subpoena to FCA in <i>Neapco Components, LLC v. Am. Axle & Mfg., Inc.</i> , 2:23-cv-12470-LVP-EAS (E.D. Mich.) (Dated March 31, 2025)
1044	Email from Jonathan Falker Enclosing Declaration of Bryan Laidlaw in response to Subpoena in <i>Neapco Components, LLC v. Am. Axle & Mfg., Inc.</i> , 2:23-cv-12470-LVP-EAS (E.D. Mich.) (Dated April 3, 2025)
1045	Email from Robert Kappers Enclosing Harris and Laidlaw Declarations (Dated April 4, 2025)
1046	Email from Robert Kappers regarding intent to seek authorization to file the Declarations as supplemental information (Dated June 18, 2025)

* Petitioner previously served Exhibit 1037 and Exhibit 1038 as supplemental evidence under 37 C.F.R. § 42.64(b)(2). Petitioner now has filed Exhibit 1037 and Exhibit 1038 and Exhibits 1042–1046 to support its motion, which respectfully requests that the Board enter Exhibit 1037 and Exhibit 1038 into the record of this proceeding.

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TABLE OF AUTHORITIES

Cases	Page(s)
<i>Charter Commn’cs, Inc. v. Iarnach Techs. Ltd.</i> , IPR2024-01287, Paper 19 (PTAB May 7, 2025)	6, 7
<i>Evapco Dry Cooling, Inc. v. SPG Cooling USA LLC</i> , IPR2021-00687, Paper 24 (PTAB Jan. 18, 2022)	7
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<i>Nokia of Am. Corp., et al. v. IPCom, GmbH & Co. KG</i> , IPR2021-00533, Paper 24 (PTAB Oct. 13, 2021)	7, 9, 10
<i>Palo Alto Networks, Inc. v. Juniper Networks, Inc.</i> , IPR2013-00369, Paper 37 (PTAB Feb. 5, 2014)	7, 9, 10
 Statutes	
35 U.S.C. § 102(a)(1)	1, 2, 4, 7
 Other Authorities	
37 C.F.R. § 42.1(b)	5, 6, 7
37 C.F.R. § 42.64	5
37 C.F.R. § 42.123	5
FED. R. CIV. P. 26(d)(1)	2, 9

I. INTRODUCTION

The Board should enter two declarations into the record, Exhibit 1037 (declaration of Todd Harris, an individual responsible for certain Internet forum posts at issue in this IPR) and Exhibit 1038 (declaration of Bryan Laidlaw, the Essential Tools and Technical Licensing Manager for FCA US LLC (“FCA”), the manufacturer of the 2016 Jeep® Renegade and publisher of “Renegade Manual” (Exhibit 1013)), collectively, the “Declarations.” Petitioner satisfies the requirements of 37 C.F.R. § 42.123(a). Petitioner requested authorization to file its motion within one month of the date trial is instituted. There also can be no credible dispute that the Declarations are relevant to the central issue in this IPR—whether Renegade Manual was publicly accessible before the critical date and, therefore, qualifies as a prior art “printed publication” under 35 U.S.C. § 102(a)(1).

II. BACKGROUND AND STATEMENT OF FACTS

Petitioner filed its Petition for IPR on November 15, 2024. Paper 1. Petitioner raised two grounds of unpatentability. *Id.* at 19. Each ground relies on Renegade Manual as a primary reference. *Id.* Petitioner presented argument and evidence to establish that the Renegade Manual qualifies as a prior art “printed publication” under 35 U.S.C. § 102(a)(1). *Id.* at 4–15.

On January 31, 2025, Petitioner and Patent Owner conferred under FED. R. CIV. P. 26(f) regarding a schedule in a co-pending district court case, *Neapco*

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See id. at 98–99; Ex. 1042, 01-29-2025 Email from R. Kappers. Discovery in that
case opened on the same day. FED. R. CIV. P. 26(d)(1).

On March 11, 2025, Patent Owner filed its Preliminary Response. Paper 7.
Patent Owner’s sole opposition to the Petition was that Renegade Manual does not
qualify as prior art under 35 U.S.C. § 102(a)(1). *Id.*

On March 31, 2025, Petitioner issued a subpoena to FCA in the co-pending
district court case. Paper 1 at 4–7; Ex. 1043, Subpoena to FCA. Petitioner sought
discovery related to “the public availability or public accessibility before May 3,
2017, of the service information manual for the 2016 Jeep® Renegade having
product or part identification number 81-370-16028-CD.” Ex. 1043 at 1.

FCA responded to Petitioner’s subpoena on April 3, 2025. Ex. 1044, 04-03-
2025 Email from Falker. FCA provided a declaration of the Essential Tools and
Technical Licensing Manager for FCA, Bryan Laidlaw, “providing information
available to FCA related to the public accessibility of the 2016 Jeep Renegade
service information manual.” *Id.* Mr. Laidlaw declares:

2. The physical CD version of the service information manual for the
2016 Jeep Renegade was sold under the part number 81-370-16028-
CD. This physical CD was offered to sale to the general public on the
www.techauthority.com website.

3. According to my investigation, the first sale of a physical CD with
part number 81-370-16028-CD was made on July 11, 2016.

4. All CDs with the part number 81-370-16028-CD included the same version of the 2016 Jeep Renegade service information manual.

Ex. 1038 ¶¶ 2–4.

Petitioner also sought information from individuals that made certain Internet forum posts proffered by Petitioner to establish that Renegade Manual was publicly accessible in 2016 and challenged by Patent Owner in its Preliminary Response. *Compare* Paper 1 at 10–13 *and* Paper 7 at 15–18, 31–39. Todd Harris is one of those individuals. Ex. 1023 ¶¶ 11, 12, Ex. 1, 5, 7; Ex. 1037. For example, on May 18, 2016, Mr. Harris initiated an Internet forum discussion, posting his interest in obtaining a service manual for a 2015 Jeep® Renegade. Ex. 1023 ¶ 11, Ex. 1. A forum member named “Cruiser” replied on July 6, 2016.

I recently found the service manual on disc at techauthority.com. It’s for the 2016 model which is essentially the same as the 2015. Here’s the link:

<https://www.techauthority.com/en-us/products/81-370-16028-CD>

Id. Mr. Harris replied to Cruiser on July 12, 2016: “Excellent! Thanks Cruiser

I just received the DVD from techauthority” *Id.*

On March 26, 2025, Mr. Harris provided Petitioner a declaration providing information related to his Internet forum posts and the public accessibility Renegade Manual. Ex. 1037. Among other things, Mr. Harris confirms that he initiated the relevant Internet forum discussion to find a service information manual to re-build a wrecked, 2015 Jeep® Renegade as a “do-it-yourself” hobby. Ex. 1037 ¶¶ 1–9. Mr.

Harris further declares:

As I stated in my July 12, 2016, forum post, in July 2016, I used the link provided by Cruiser, “<https://www.techauthority.com/en-us/products/81-370-16028-CD>,” to purchase a copy of the 2016 Jeep® Renegade service manual from TechAuthority.

Id. ¶ 9. Mr. Harris also provided a copy of his receipt for his Renegade Manual:

Exhibit 2 to this declaration is a true and correct copy of a receipt that I received from TechAuthority for my purchase of the 2016 Jeep® Renegade service manual. The receipt was emailed to me from “noreply@techauthority.com” on July 10, 2016, and shows that I purchased a “2016 Jeep Renegade Service Information CD” for “134.99” (plus tax and shipping). The receipt is still in my e-mail inbox.

Id. ¶ 10, Ex. 2.

On April 4, 2025, Petitioner served Patent Owner with copies of the Declarations. Ex. 1045, 04-04-2025 Email from R. Kappers.

On May 29, 2025, the Board instituted IPR. Paper 8. The Board acknowledged that “Patent Owner’s sole opposition is that Renegade Manual does not qualify as prior art.” *Id.* at 40. In over thirty pages, the Board evaluated whether Renegade Manual qualifies as prior art. *Id.* at 7–38. The Board concluded that Petitioner established “a reasonable likelihood that Renegade Manual was publicly accessible in 2016, and therefore was a printed publication before May 2017, so Renegade Manual is prior art . . . under 35 U.S.C. § 102(a)(1).” *Id.* at 37–38. The Board also determined that Petitioner showed a reasonable likelihood that the challenged claims are unpatentable. *Id.* at 38–43.

After the deadline to serve objections to evidence submitted with the Petition had passed, Patent Owner served authenticity and hearsay objections to Petitioner’s evidence, including to Renegade Manual (Ex. 1013) and portions of the Declaration of Jodi Gregory (Ex. 1023), namely “the forum posts.” Paper 11 at 2–4. Petitioner responded to Patent Owner’s objections by serving the Declarations, among other exhibits, as supplemental evidence under 37 C.F.R. § 42.64. Paper 12. At the same time, Petitioner informed Patent Owner that it intended to seek authorization to file the Declarations as supplemental information under 37 C.F.R. § 42.123(a). Ex. 1046, 06-18-2025 Email from R. Kappers.

Petitioner requested authorization to file this motion on June 25, 2025. Ex. 3002 at 1–2. The Board granted Petitioner’s request on July 2, 2025. *Id.* at 1.

III. STATEMENT OF PRECISE RELIEF REQUESTED

Petitioner requests that the Board enter Exhibit 1037 and Exhibit 1038 into the record as supplemental information under 37 C.F.R. § 42.123.

IV. ARGUMENT AND FULL STATEMENT OF THE REASONS FOR THE RELIEF REQUESTED

The Board should enter the Declarations into the record. The two requirements of 37 C.F.R. § 42.123(a) are met, and entering the Declarations into record will further (and certainly not interfere) with the Board’s mandate under § 42.1(b). Nor is there any compelling reason to *not* enter the Declarations into the record. The Board should grant Petitioner’s motion.

A. The Board should enter the Declarations into the record as supplemental information under 37 C.F.R. § 42.123(a).

The Board should enter the Declarations into the record as supplemental information. The Board considers whether two requirements are met when evaluating whether to grant motions to submit supplemental information under § 42.123(a): (1) “[a] request for the authorization to file a motion to submit supplemental information is made within one month of the date the trial is instituted,” and (2) “[t]he supplemental information must be relevant to a claim for which the trial has been instituted.” The Board may also consider its mandate under § 42.1(b) “to secure the just, speedy, and inexpensive resolution of every proceeding.” *Charter Commn’cs, Inc. v. Iarnach Techs. Ltd.*, IPR2024-01287, Paper 19 at 3 (PTAB May 7, 2025). Each of those requirements is met.

1. Under § 42.123(a)(1), Petitioner requested authorization within one month of the date trial is instituted.

Under § 42.123(a)(1), Petitioner requested authorization to file its motion within one month of the date trial is instituted. Here, the Board instituted IPR on May 29, 2025 (Paper 8), and Petitioner requested authorization to file its motion within one month, on June 25, 2025. Ex. 3002 at 1–2.

2. Under § 42.123(a)(2), the Declarations are relevant to a claim for which the trial has been instituted.

Under § 42.123(a)(2), the Declarations are “relevant to a claim for which the trial has been instituted.” The Declarations, unquestionably, are relevant to the issue

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of whether Renegade Manual was publicly accessible before the critical date and,
therefore, qualifies as a prior art “printed publication” under 35 U.S.C. § 102(a)(1).
Supra II; Ex. 1037; Ex. 1038. And, because each ground of this IPR relies on
Renegade Manual, the Declarations are relevant to a claim for which the trial has
been instituted. The Board routinely finds that proffered evidence relating to the
prior art status of a reference serving as a basis for a ground of unpatentability
satisfies § 42.123(a)(2). *See Charter Commn’cs*, IPR2024-01287, Paper 19 at 3–4;
Evapco Dry Cooling, Inc. v. SPG Cooling USA LLC, IPR2021-00687, Paper 24 at 3
(PTAB Jan. 18, 2022); *Inergy Tech., Inc. v. Force Mos Tech. Co., Ltd.*, IPR2024-
00094, Paper 14 at 3 (PTAB July 19, 2024); *Nokia of Am. Corp., et al. v. IPCoM*,
GmbH & Co. KG, IPR2021-00533, Paper 24 at 3 (PTAB Oct. 13, 2021); *Palo Alto*
Networks, Inc. v. Juniper Networks, Inc., IPR2013-00369, Paper 37 at 2–3 (PTAB
Feb. 5, 2014). The Board should do so here again.

**3. The Declarations will help secure the just, speedy, and
inexpensive resolution of this proceeding, and will not
interfere with the Board’s mandate under § 42.1(b).**

The Declarations also will help “secure the just, speedy, and inexpensive
resolution” of this proceeding. 37 C.F.R. § 42.1(b). Entering the Declarations into
the record will ensure that the parties may cite and the Board may consider all
available evidence related to the prior art status of Renegade Manual, thereby
securing the fairest and most just resolution of the most important issue in this IPR.

On the other hand, *not* entering the Declarations into the record would force the Board to knowingly decide a critical issue on an incomplete record, which would not be fair, just, or in the interest of the public. Petitioner also submits that the Declarations put to rest any open question about the prior art status of Renegade Manual and, therefore, may obviate the need for the parties to aggressively litigate the issue and substantially reduce expenses. As for speed, Petitioner served Patent Owner with copies of the Declarations *before* the Board instituted IPR and now moves early to submit the Declarations into the record. Both Patent Owner and the Board have ample time to consider the Declarations.

B. There are no compelling reasons to *not* enter the Declarations into the record as supplemental information.

There are no compelling reasons to *not* enter the Declarations into the record as supplemental information. Patent Owner has not indicated whether it opposes Petitioner’s motion, let alone identified any reasons that the Declarations should not be entered into the record. Exhibit 3002. No compelling reasons exist.

First, Petitioner is not seeking to introduce any new theory. The Declarations will not change Petitioner’s grounds of or evidence of unpatentability. Nor do the Declarations change Petitioner’s theory of public accessibility. Petitioner met its threshold showing of public accessibility. Paper 8 at 37–38. The Declarations will simply supplement the record with additional information relevant to Petitioner’s theory of public accessibility already set forth in the Petition, namely that Renegade

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Manual was available to the public in 2016 through the website, “<https://www.techauthority.com/en-us/products/81-370-16028-CD>.” *Compare* Paper 1 at 7–15 *and* Ex. 1037 *and* Ex. 1038. The Board grants motions to submit supplemental information under these circumstances. *See Inergy Tech.*, IPR2024-00094, Paper 14 at 4–5 (granting motion where “[i]t does not appear that Petitioner seeks to change its merits case or evidence” and, instead, “seeks to supplement the record on the public accessibility issue”); *Nokia*, IPR2021-00533, Paper 24 at 5 (same); *Palo Alto Networks*, IPR2013-00369, Paper 37 at 3 (same).

Second, it is of no consequence that Petitioner did not submit the Declarations with its Petition. “[W]hether supplemental information reasonably could have been obtained earlier is a requirement under § 42.123(b) and (c)—not a requirement under § 42.123(a).” *Palo Alto Networks*, IPR2013-00369, Paper 37 at 4 (internal quotation omitted). Under § 42.123(a), there is no “requirement for a petitioner to explain why information was not provided at the time of its petition.” *Inergy Tech.*, IPR2024-00094, Paper 14 at 5. Still, there is a good reason—Petitioner could not seek discovery of Mr. Harris or FCA by way of subpoena until January 31, 2025, well after Petitioner filed its Petition on November 15, 2024. *Compare* Ex. 1042, 01-29-2025 Email from R. Kappers *and* FED. R. CIV. P. 26(d)(1); *see also* Ex. 1037, Ex. 1 (Mr. Harris responding to Petitioner’s request for additional information on January 17, 2025, after Petitioner filed its Petition).

Third, entering the Declarations into the record will not unfairly prejudice Patent Owner. Petitioner seeks to use the Declarations for “the limited purpose of supplementing the record with respect to the public accessibility of references.” *Inergy Tech.*, IPR2024-00094, Paper 14 at 6. And Petitioner served Patent Owner with copies of the Declarations months ago on April 4, 2025, well before Board even instituted IPR. *See id.* (finding there is “little, if any, prejudice to Patent Owner” if it “already has possession of the supplemental information”). In other words, Patent Owner has sufficient time to address the supplemental information in this IPR, including before filing its Patent Owner Response by August 22, 2025 (a deadline that the parties also may extend). *See id.*; *Palo Alto Networks*, IPR2013-00369, Paper 37 at 5; *Nokia*, IPR2021-00533, Paper 24 at 5–6.

Finally, that Petitioner sought leave to submit the Declarations in connection with a Reply to the Preliminary Response and later served the Declarations as supplemental evidence under § 42.64(b)(2) does not prohibit Petitioner from now submitting the Declarations as supplemental information. *See Inergy Tech.*, IPR2024-00094, Paper 14 at 4. Petitioner satisfies § 42.123(a), so the Board should enter the Declarations into the record as supplemental information.

V. CONCLUSION

The Board should grant Petitioner’s motion and enter Exhibit 1037 and Exhibit 1038 into the record as supplemental information.

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Respectfully submitted,

Date: August 1, 2025

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §§ 42.6(e), the undersigned hereby certifies that a copy of the foregoing PETITIONER’S MOTION TO SUBMIT SUPPLEMENTAL INFORMATION, was served on August 1, 2025 by filing this document through the P-TACTS platform as well as by delivering a copy via the delivery method indicated to the attorneys of record for the Patent Owner as follows:

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