UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

American Axle & Manufacturing, Inc.
Petitioner,

v.

Neapco Components, LLC
Patent Owner.

Case IPR2025-00091
Patent 11,598,376

Patent Owner's Objections to Petitioner's Supplemental Evidence

I. INTRODUCTION

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Neapco Components, LLC submits these Objections to Exhibits Nos. 1037, 1038, and 1039 (the "Challenged Evidence") served by Petitioner American Axle & Manufacturing, Inc. on June 18, 2025 in response to Patent Owner's Objections to evidence filed with the Petition for *Inter Partes* Review ("Petition") of U.S. Patent No. 11,598,376 ("the '376 Patent"). *See* Paper 12, Petitioner's Notice of Service of Supplemental Evidence. Patent Owner files these Objections to provide notice to Petitioner that Patent Owner may move to exclude the Challenged Evidence under § 42.64(c), unless cured by Petitioner.

Patent Owner reserves the right to present further objections to this or additional evidence submitted by Petitioner, as allowed by the applicable rules or other authority, including without limitation, upon conclusion of cross-examination of Petitioner's declarants.

II. IDENTIFICATION OF CHALLENGED EVIDENCE AND GROUNDS FOR OBJECTIONS

Patent Owner objects to the Challenged Evidence, and any reference to or reliance on this Challenged Evidence, as described below.

A. Exhibit No. 1037 ("Declaration of Todd Harris") is objectionable on the following grounds:

Exhibit No. 1037 is not "offered solely to support admissibility of the originally filed evidence and to defeat a motion to exclude that evidence" and is,

instead, offered "to support an argument on the merits." *Handi Quilter, Inc. v. Bernina Int'l AG*, IPR2013-00364, Paper 30 (PTAB June 12, 2014). Accordingly, this exhibit "may only be filed if a [37 C.F.R.] § 123 motion is both authorized and granted." *Id*. Additionally, the Board has already considered and denied Petitioner's request to file the Declaration of Todd Harris. *See* Ex. 3001 (ruling that "further briefing is not authorized" where Petitioner requested to file a reply to the Patent Owner Preliminary Responses and "file the declaration[] of…Todd Harris in support").

B. Exhibit No. 1038 ("Declaration of Bryan Laidlaw") is objectionable on the following grounds:

Exhibit No. 1038 is not "offered solely to support admissibility of the originally filed evidence and to defeat a motion to exclude that evidence" and is, instead, offered "to support an argument on the merits." *Handi Quilter*, IPR2013-00364, Paper 30. Accordingly, this exhibit "may only be filed if a [37 C.F.R.] § 123 motion is both authorized and granted." *Id*. Additionally, the Board has already considered and denied Petitioner's request to file the Declaration of Bryan Laidlaw of FCA US LLC. *See* Ex. 3001 (ruling that "further briefing is not authorized" where Petitioner requested to file a reply to the Patent Owner Preliminary Responses and "file the declaration[] of FCA US LLC…in support").

C. Exhibit No. 1039 ("Affidavit of Mina Ching") is objectionable on the following grounds:

In the Institution Decision, the Board found that "what Petitioner intended to file as Exhibit 1025"—but was actually an affidavit purporting to authenticate an irrelevant, "different website"—was excused due to "an apparent clerical error." Paper 8 (citing Ex. 1025, Ex. A). Patent Owner understands Exhibit 1039 to be "what Petitioner intended to file as Exhibit 1025." *Id*. However, Exhibit 1039 is an affidavit from a different individual at the Internet Archive than that of Exhibit 1025 and is dated June 10, 2025, months after the Petition's November 15, 2024, filing date. *Compare* Ex. 1039 (Affidavit of Mina Ching) *with* Ex. 1025 (Affidavit of Nathaniel E Frank-White). Accordingly, Exhibit 1039 appears to be a completely new affidavit with at least some new evidence that Patent Owner is unable to discern given the "apparent clerical error" associated with Exhibit 1025.

To the extent Exhibit 1039 contains new evidence that should have been submitted with the Petition, but Petitioner belatedly submits now under the guise of supplemental evidence, Patent Owner objects to this evidence as improper supplemental information that "may only be filed if a [37 C.F.R.] § 123 motion is both authorized and granted." *Handi Quilter*, IPR2013-00364, Paper 30.

III. CONCLUSION

For at least the foregoing reasons, Patent Owner objects to Exhibits Nos. 1037, 1038, and 1039.

Respectfully submitted,

/Dennis J. Abdelnour/ Date: June 25, 2025

Dennis J. Abdelnour, Reg. No. 77,172
Honigman LLP
321 N. Clark Street, Suite 500
Chicago, IL 60654-4769
(312) 701-9335

Attorney for Patent Owner, Neapco Components, LLC

Certificate of Service

Pursuant to 37 C.F.R. §§ 42.6(e) and 42.105(a), I hereby certify that on the 25th day of June, 2025, I caused a complete copy of Patent Owner's Objections to Supplemental Evidence to be served on Petitioner as follows:

By email to the Patent Owner's attorneys of record:

Robert F. Kappers: rkappers@steptoe.com
Jay Nuttal: jnuttal@steptoe.com

/David J. Thomas/
David J. Thomas, Reg. No. 75,471