UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KUBOTA NORTH AMERICA CORPORATION,
Petitioner,

v.

VERMEER MANUFACTURING COMPANY,
Patent Owner.

IPR2025-00167
U.S. Patent No. 9,321,386

PATENT OWNER'S EVIDENTIARY OBJECTIONS

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Vermeer Manufacturing Company ("Patent Owner") hereby objects to Exhibits 1042, 1047–1055, and 1060–1061 cited by Petitioner Kubota North America Corporation ("Petitioner") in its Reply (Paper 33).

The Patent and Trial Appeal Board instituted trial on June 10, 2025 (Paper 16) and Petitioner filed its Reply on December 3, 2025 (Paper 33). Therefore, Patent Owner's Objections to Evidence are timely under 37 C.F.R. § 42.64(b)(1).

EXHIBIT 1042

Petitioner describes Exhibit 1042 as "Second Declaration of Steven Velinsky under 37 C.F.R. § 1.68." Patent Owner objects to Exhibit 1042 under Federal Rules of Evidence 403 and 702.

Patent Owner objects to Exhibit 1042 under Federal Rule of Evidence 702 to the extent Dr. Velinsky's testimony is not based on sufficient facts or data, is the product of unreliable principles and methods, and/or reflects an unreliable application of the principles and methods to the facts of this dispute.

Patent Owner also objects to Exhibit 1042 under Federal Rule of Evidence 403 as being unfairly prejudicial, misleading, and confusing the issues. Patent Owner also objects to Exhibit 1042 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should

have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

Lastly, Patent Owner incorporates its objections (*infra*) to any exhibits that Dr. Velinsky relied upon in his declaration.

EXHIBIT 1047

Petitioner describes Exhibit 1047 as "U.S. Patent No. 4,074,782." Patent Owner objects to Exhibit 1047 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1048

Petitioner describes Exhibit 1048 as "U.S. Patent No. 10,260,213." Patent Owner objects to Exhibit 1048 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1049

Petitioner describes Exhibit 1049 as "U.S. Patent No. 7,156,200." Patent Owner objects to Exhibit 1049 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should

have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1050

Petitioner describes Exhibit 1050 as "U.S. Patent No. 4,055,262." Patent Owner objects to Exhibit 1050 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1051

Petitioner describes Exhibit 1051 as "MT52 Bobcat Mini Track Loader Service Manual (2006) ("Manual")."

Patent Owner objects to Exhibit 1051 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1051 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

Patent Owner further objects to Exhibit 1051 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1052

Petitioner describes Exhibit 1052 as "Webster's Dictionary excerpt ("primary")."

Patent Owner objects to Exhibit 1052 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1052 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

Patent Owner further objects to Exhibit 1052 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1053

Petitioner describes Exhibit 1053 as "Oxford English Dictionary ("incorporate")."

Patent Owner objects to Exhibit 1053 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1053 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

Patent Owner further objects to Exhibit 1053 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new

evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1054

Petitioner describes Exhibit 1054 as "U.S. Patent No. 7,987,669." Patent Owner objects to Exhibit 1054 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1055

Petitioner describes Exhibit 1055 as "U.S. Patent No. 8,109,355." Patent Owner objects to Exhibit 1055 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted earlier, either with the Petition or with the Petitioner's additional briefing on claim construction.

EXHIBIT 1060

Petitioner describes Exhibit 1060 as "Deposition transcript portion Mr. Kuemper produced in PGR2020-0081." Petitioner objects to Exhibit 1060 under Federal Rule of Evidence 802.

Patent Owner further objects to Exhibit 1060 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new

evidence should have been submitted with the Petition to the extent Petitioner is relying on Exhibit 1060 in support of its *prima facie* case for unpatentability of the Challenged Claims.

EXHIBIT 1061

Petitioner describes Exhibit 1061 as "Deposition transcript portion Mr. Azure produced in PGR2020-0081." Petitioner objects to Exhibit 1061 under Federal Rule of Evidence 802.

Patent Owner further objects to Exhibit 1061 under 37 C.F.R. § 42.23(b) and Federal Rule of Evidence 403 as being unfairly prejudicial and untimely. This new evidence should have been submitted with the Petition to the extent Petitioner is relying on Exhibit 1061 in support of its *prima facie* case for unpatentability of the Challenged Claims.

Dated: December 10, 2025

By: */Richard L. Brophy/*
Richard L. Brophy
Lead Counsel for Patent Owner
Reg. No. 69,736

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certified that on December 10, 2025, a copy of PATENT OWNER'S EVIDENTIARY OBJECTIONS was served via electronic mail on the following attorneys of record:

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Dated: December 10, 2025

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