UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KUBOTA NORTH AMERICA CORPORATION,
Petitioner,

v.

VERMEER MANUFACTURING COMPANY,
Patent Owner.

IPR2025-00169
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 1003-1006, 1011, 1014-1017, 1023-1028, 1034, and 1041 cited by Petitioner Kubota North America Corporation ("Petitioner") in the Petition for *Inter Partes* Review (Paper 3), Petitioner's Preliminary Reply Addressing *Fintiv* Factors (Paper 9), Petitioner's Initial Brief on Claim Construction (Paper 10), and Petitioner's Reply Brief on Claim Construction (Paper 13).

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

EXHIBIT 1003

Petitioner describes Exhibit 1003 as "Third Declaration of Steven Velinsky under 37 C.F.R. § 1.68". Patent Owner objects to Exhibit 1003 under Federal Rules of Evidence 403 and 702.

Patent Owner objects to Exhibit 1003 under Federal Rule of Evidence 702 to the extent Mr. 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 1003 under Federal Rule of Evidence 403 as being unfairly prejudicial, misleading, and confusing the issues.

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

EXHIBIT 1004

Petitioner describes Exhibit 1004 as "Appendix A to the Declaration of Steven Velinsky". Patent Owner objects to Exhibit 1004 under Federal Rules of Evidence 802 and 901.

Patent Owner objects to Exhibit 1004 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1004 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

Patent Owner also objects to Exhibit 1004 under Federal Rule of Evidence 802 as being hearsay or containing hearsay. Patent Owner objects to Exhibit 1004 to the extent Petitioner, through Mr. Velinsky or otherwise, attempts to rely on these statements to prove the truth of the matter asserted therein.

EXHIBIT 1005

Petitioner describes Exhibit 1005 as "Korean Patent No. 10-1041996 including original Korean language document, certified English translation, and certification of translation". Patent Owner objects to Exhibit 1005 under Federal Rules of Evidence 403, 602, 604, 702, and 802, and 37 C.F.R. §§ 1.68, 42.63(b).

Patent Owner objects to Exhibit 1005 under Federal Rules of Evidence 602, 604, 702, and 802, and 37 C.F.R. §§ 1.68, 42.63(b) because Petitioner has not established that the declarant on the certification (page 28) is the same individual that translated the original exhibit or that the person is qualified or competent to provide the translation. Further, the certification fails to satisfy the requirements of 37 C.F.R. §§ 1.68, 42.63(b).

Patent Owner also objects to Exhibit 1005 under Federal Rule of Evidence 403 to the extent the translation is inaccurate or misleading. Patent Owner reserves the right to submit its own certified translation of Exhibit 1005.

EXHIBIT 1006

Petitioner describes Exhibit 1006 as "JP2004017705A including original Japanese language document, certified English translation, and certification of translation". Patent Owner objects to Exhibit 1006 under Rules of Evidence 403, 602, 604, 702, and 802, and 37 C.F.R. §§ 1.68, 42.63(b).

Patent Owner objects to Exhibit 1006 under Federal Rule of Evidence 602, 604, 702, and 802, and 37 C.F.R. §§ 1.68, 42.63(b) because Petitioner has not established that the declarant on the certification (page 16) is the same individual that translated the original exhibit or that the person is qualified or competent to provide the translation. Further, the certification fails to satisfy the requirements of 37 C.F.R. §§ 1.68, 42.63(b).

Patent Owner also objects to Exhibit 1006 under Federal Rule of Evidence 403 to the extent the translation is inaccurate or misleading. Patent Owner reserves the right to submit its own certified translation of Exhibit 1006.

EXHIBIT 1011

Petitioner describes Exhibit 1011 as "JPH 11140900 to Komatsu…(machine translation)." Patent Owner objects to Exhibit 1011 under Federal Rules of Evidence 403, 602, 604, and 802, and 37 C.F.R. §§ 1.68, 42.63(b).

Patent Owner objects to Exhibit 1011 under Federal Rule of Evidence 602, 604, and 802, and 37 C.F.R. §§ 1.68, 42.63(b) because the certification (page 2) indicates that the translation was machine-generated. The machine-generated translation notice specifically states that "[i]t cannot be guaranteed that [the translation] is intelligible, accurate, complete, reliable or fit for specific purposes. Critical decisions, such as commercially relevant or financial decisions, should not be based on machine-translation output." Exhibit 1011 at 2.

Patent Owner also objects to Exhibit 1011 under Federal Rule of Evidence 403 to the extent the translation is inaccurate or misleading. Patent Owner reserves the right to submit its own certified translation of Exhibit 1011.

EXHIBIT 1014

Petitioner describes Exhibit 1014 as "Korean Patent No. 10-1023528 including original Korean language document, certified translation, and

certification". Patent Owner objects to Exhibit 1014 under Federal Rules of Evidence 403, 602, 604, and 802, and 37 C.F.R. §§ 1.68, 42.63(b).

Patent Owner objects to Exhibit 1014 under Federal Rule of Evidence 602, 604, 702, and 802, and 37 C.F.R. §§ 1.68, 42.63(b) because Petitioner has not established that the declarant on the certification (page 16) is the same individual that translated the original exhibit or that the person is qualified or competent to provide the translation. Further, the certification fails to satisfy the requirements of 37 C.F.R. §§ 1.68, 42.63(b).

Patent Owner also objects to Exhibit 1014 under Federal Rule of Evidence 403 to the extent the translation is inaccurate or misleading. Patent Owner reserves the right to submit its own certified translation of Exhibit 1014.

EXHIBIT 1015

Petitioner describes Exhibit 1015 as "SAE International J2752 JUN2010…, Surface Vehicle Recommended Practice, Personal Protection – Compact Tool Carriers". Patent Owner objects to Exhibit 1015 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1015 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1015 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1016

Petitioner describes Exhibit 1016 as "International Organization for Standardization (ISO) 6165 (2012)". Patent Owner objects to Exhibit 1016 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1016 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1016 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1017

Petitioner describes Exhibit 1017 as "International Organization for Standardization (ISO) 3457 (2003)". Patent Owner objects to Exhibit 1017 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1017 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1017 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1023

Petitioner describes Exhibit 1023 as "N. Sclater, et al., Mechanisms and Mechanical Devices Sourcebook, Fourth Edition, Table of Contents, Chapter 1,

Chapter 5". Patent Owner objects to Exhibit 1023 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1023 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1023 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1024

Petitioner describes Exhibit 1024 as "N. Nariman-Zadeh, et al., "Pareto optimal synthesis of four-bar mechanisms for path generation," 26 March 2008". Patent Owner objects to Exhibit 1024 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1024 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1024 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1025

Petitioner describes Exhibit 1025 as "Four-Bar Coupler-Point Curves, Chapter 6". Patent Owner objects to Exhibit 1025 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1025 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1025 because it has not

produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1026

Petitioner describes Exhibit 1026 as "H Nolle, Linkage Coupler Curve Synthesis: A Historical Review – II. Developments after 1875*, 7 July 1973". Patent Owner objects to Exhibit 1026 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1026 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1026 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1027

Petitioner describes Exhibit 1027 as "Wen-Tzong Lee, et al., "Developments in quantitative dimensional synthesis (1970-present): four-bar path and function generation" 2017". Patent Owner objects to Exhibit 1027 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1027 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1027 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1028

Petitioner describes Exhibit 1028 as "Theory of Machines and Mechanisms, Shigley, J.E. and Uicker, J.J. Jr., McGraw Hill, 1980, Table of Contents, Chapter 1, Chapter 2". Patent Owner objects to Exhibit 1028 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1028 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1028 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1034

Petitioner describes Exhibit 1034 as "United States District Court – National Judicial Caseload Profile". Patent Owner objects to Exhibit 1034 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1034 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1034 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

EXHIBIT 1041

Petitioner describes Exhibit 1041 as "Websters Dictionary (select portions)". Patent Owner objects to Exhibit 1041 under Federal Rule of Evidence 901.

Patent Owner objects to Exhibit 1041 under Federal Rule of Evidence 901. Petitioner has not demonstrated the authenticity of Exhibit 1041 because it has not produced evidence sufficient to support a finding that the exhibit is what Petitioner claims it is.

CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e), the undersigned certified that on June 25, 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: June 25, 2025

By: *_/Richard L. Brophy/_*
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