UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KUBOTA NORTH AMERICA CORPORATION,

Petitioner

v.

VERMEER MANUFACTURING COMPANY,

Patent Owner

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IPR2025-00169
U.S. Patent No. 9,321,386

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PETITIONER'S EVIDENTIARY OBJECTIONS TO EXHIBIT 2046

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Kubota North America Corporation ("Petitioner") hereby timely objects to Exhibit 2046 filed by Patent Owner with its Motion to Exclude (Paper 45) on February 18, 2026.

Petitioner objects to Exhibit 2046 as lacking proper authentication under Federal Rule of Evidence (FRE) 901, and the document is not self-authenticating under FRE 902. Patent Owner has not produced any evidence to support a finding that Exhibit 2046 is what Patent Owner claims it to be, *i.e.*, a LinkedIn profile belonging to Petitioner's affiant at a relevant time. Patent Owner also has provided no evidence of personal knowledge as to the completeness or accuracy of Exhibit 2046. *See* FRE 901(a) ("To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is."); *Wady v. Provident Life and Accident Ins. Co. of Am.,* 216 F. Supp. 2d 1060 (C.D. Cal. 2002) (sustaining objection because the proponent "has no personal knowledge of who maintains the website, who authored the documents, or the accuracy of their contents."); *see also, United States v. Jackson*, 208 F.3d 633, 638 (7th Cir. 2000).

Petitioner further objects to Exhibit 2046 under FRE 801-807 as hearsay offered for the truth of the matter asserted and not subject to any hearsay exception. Exhibit 2046 contains out-of-court statements offered to prove the truth of those assertions, namely that the exhibit is a LinkedIn profile of Petitioner's affiant and that the listed qualifications are accurate and complete. Patent Owner does not claim to have personal knowledge of the matter asserted.

Lastly, Petitioner objects to Exhibit 2046 under FRE 403 because its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, and misleading the Board.

Patent Owner filed Exhibit 2046 with its Motion to Exclude on February 18,

2026. Therefore, Petitioner's Objections to Exhibit 2046 are timely under 37 C.F.R. § 42.64(b)(1).

Dated: February 23, 2026

Respectfully submitted,

/ David M. O'Dell /
David M. O'Dell
Lead Counsel for Petitioner
Registration No. 42,044

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CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e), service was made on Patent Owner as detailed below.

Date of service February 23, 2026

Manner of service Electronic Mail: rbrophy@atllp.com
mvandertuig@atllp.com;
mvandermolen@atllp.com

Documents served ***PETITIONER'S EVIDENTIARY OBJECTIONS TO EXHIBIT 2046***

Persons served

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