

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZHUHAI COSMX BATTERY CO., LTD.,
Petitioner

v.

NINGDE AMPEREX TECHNOLOGY LTD.,
Patent Owner

IPR2025-00389
Patent 11,923,498

PATENT OWNER'S OBJECTIONS TO EVIDENCE
SUBMITTED PRIOR TO INSTITUTION

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Ningde Amperex Technology Ltd. (“ATL” or “Patent Owner”) respectfully asserts the following objections to the evidence proffered with the Corrected Petition (“Petition”) filed by Petitioner Zhuhai CosMX Battery Co., Ltd. (“Petitioner” or “CosMX”) regarding the claims of U.S. Patent No. 11,923,498 (“the ’498 patent”). The Federal Rules of Evidence (“FRE”) apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Patent Owner’s objections apply equally to Petitioner’s reliance on or citation to any objected evidence in its papers. These objections are being served and filed within 10 business days from the institution of trial on September 9, 2025.

Evidence	Objection(s)
Ex. 1003	Exhibit 1003 is the Declaration of Dr. Ulrich von Sacken, Ph.D. Patent Owner objects to ¶¶ 35-48, 50-65, 71-73, 78, 107, 108, 111, 112, 113, 141, 144, 146, 147, 150-154, 189-194, 231-249, 263-271, 301-305, 338-341, 352-359, and 464-471 of this exhibit as not based on sufficient facts or data, <i>e.g.</i>, under FRE 702(b). Patent Owner objects to ¶¶ 45, 50-60, and 73 as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.

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Ex. 1009	Exhibit 1009 is Japanese Patent Pub. No. 10-326629 to Maejima <i>et al.</i> Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1010	Exhibit 1010 is Japanese Patent Pub. No. 11-26008 to Yamauchi <i>et al.</i> Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1011	Exhibit 1011 is Japanese Patent Pub. No. 2000-285902 to Mizutani <i>et al.</i> Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1013	Exhibit 1013 is Japanese Patent Application Publication No. 2007-165224 to Yoneda <i>et al.</i> Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1014	Exhibit 1014 is U.S. Patent Application Publication No. 2006-0051662 to Kwak <i>et al.</i>

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	Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1015	Exhibit 1015 is U.S. Patent Application Publication No. 2007-0172736 to Fujikawa <i>et al.</i> Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
Ex. 1016	Exhibit 1016 is Japanese Patent Pub. No. 2008-171593 to Aoki <i>et al.</i> Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1018	Exhibit 1018 is Korean Patent Pub. No. 2013-0085202 to Lee <i>et al.</i> Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1019	Exhibit 1019 is Agubra <i>et al.</i>, "Lithium Ion Battery Anode Aging Mechanisms". Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1020	Exhibit 1020 is Smart <i>et al.</i> , "Effects of Electrolyte Composition on Lithium Plating in Lithium-Ion Cells".

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	Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1021	Exhibit 1021 is Ratnakumar <i>et al.</i>, "Lithium Plating Behavior in Lithium-ion Cells". Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1022	Exhibit 1022 is Eberman <i>et al.</i>, "Material and Design Options for Avoiding Lithium-Plating during Charging". Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.
Ex. 1023	Exhibit 1023 is Wen <i>et al.</i>, "A Review on Lithium-Ion Battery Safety Issues: Existing Problems and Possible Solutions". Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403. Patent Owner also objects to this exhibit as lacking authenticity under FRE 901 and for being inadmissible hearsay under FRE 802.

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Dated: September 23, 2025

Respectfully submitted,

By: /Christopher TL Douglas/
Christopher TL Douglas, Reg. No. 56,950

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.64(b)(1), the undersigned hereby certifies that a true and correct copy of the foregoing **PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED PRIOR TO INSTITUTION** was served in its entirety on September 23, 2025 via filing through the Patent Trial and Appeal Case Tracking System (P-TACTS) and electronic mail on the following counsel of record for Petitioner:

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Date: September 23, 2025

By: / Christopher TL Douglas /
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