

IN THE 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

Case IPR2025-00389
U.S. Patent No. 11,923,498

**PETITIONER ZHUHAI COSMX BATTERY CO. LTD.'S OBJECTIONS
TO EVIDENCE SUBMITTED WITH PATENT OWNER'S RESPONSE**

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U.S. Patent and Trademark Office
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TABLE OF CONTENTS

I.	INTRODUCTION	1
II.	EXHIBIT 2018 – SUPPLEMENTAL DECLARATION OF JAMES L. KASCHMITTER, PH.D.....	2
III.	EXHIBIT 2019 – COSMX PROPOSED CONSTRUCTION OF CLAIM TERMS, NINGDE AMPEREX TECH. LTD. V. ZHUHAI COSMX BATTERY CO., NO. 2:24-CV-00728-JRG.....	2
IV.	EXHIBIT 2020 – DEPOSITION TRANSCRIPT OF ULRICH VON SACKEN, PH.D. DATED NOVEMBER 25, 2025, IPR2025-00389	3
V.	CONCLUSION.....	3

I. INTRODUCTION

Petitioner Zhuhai CosMX Battery Co., Ltd. (“Petitioner”), objects under the Federal Rules of Evidence (F.R.E.) and 37 C.F.R. § 42.64(b)(1) to the admissibility of the following evidence:

- Exhibit 2018, Supplemental Declaration of James L. Kaschmitter, Ph.D.;
- Exhibit 2019, CosMX Proposed Construction of Claim Terms, *Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.*, No. 2:24-cv-00728-JRG; and
- Exhibit 2020, Deposition Transcript of Ulrich von Sacken, Ph.D. dated November 25, 2025, IPR2025-00389.

Exhibits 2018-2020 were filed by Patent Owner Ningde Amperex Technology Ltd. (“Patent Owner”) on December 10, 2025, with Patent Owner’s Response to the Petition. Petitioner’s Objections are timely filed under 37 C.F.R. § 42.64(b)(1), within 5 business days of December 10, 2025. Petitioner files these Objections to provide notice to Patent Owner that Petitioner may move to exclude the evidence under 37 C.F.R. § 42.64(c).

II. EXHIBIT 2018 – SUPPLEMENTAL DECLARATION OF JAMES L. KASCHMITTER, PH.D.

Petitioner objects to Exhibit 2018 under F.R.E. 702 and 703 because Exhibit 2018 includes statements and testimony based on insufficient facts or data, and is not the product of reliable principles and methods. *See, e.g.*, EX2018, ¶¶14-101. Further, the relied-upon facts and data are not those on which experts in this field would reasonably apply.

Petitioner further objects to Exhibit 2018 under F.R.E. 602 to the extent that Exhibit 2018 presents as facts information that is outside the personal knowledge of the declarant.

Petitioner further objects to Exhibit 2018 as not being relevant under F.R.E. 401-402 because any probative value is substantially outweighed by other considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time. Petitioner further objects to any portions of Exhibit 2018 that cite an exhibit objected to herein for the reasons stated herein or previously objected to for the reasons previously stated.

III. EXHIBIT 2019 – COSMX PROPOSED CONSTRUCTION OF CLAIM TERMS, *NINGDE AMPEREX TECH. LTD. V. ZHUHAI COSMX BATTERY CO.*, NO. 2:24-CV-00728-JRG.

Petitioner objects to Exhibit 2019 as not being relevant under F.R.E. 401-402 because any probative value is substantially outweighed by other

considerations under F.R.E. 403, including unfair prejudice, confusion of the issues, and waste of time.

IV. EXHIBIT 2020 – DEPOSITION TRANSCRIPT OF ULRICH VON SACKEN, PH.D. DATED NOVEMBER 25, 2025, IPR2025-00389

Petitioner maintains and reiterates the objections made on the record during the deposition of Ulrich von Sacken, Ph.D., taken November 25, 2025.

V. CONCLUSION

To the extent Patent Owner fails to correct the defects associated with the evidence in view of Petitioner's objections herein, Petitioner may file a motion to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

Respectfully submitted,

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CERTIFICATE OF SERVICE (37 C.F.R. § 42.6(e))

I certify that the above-captioned **PETITIONER ZHUHAI COSMX
BATTERY CO., LTD.'S OBJECTIONS TO EVIDENCE SUBMITTED
WITH PATENT OWNER'S RESPONSE** was served in its entirety on
December 17, 2025 upon the following parties via electronic mail:

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