

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZHUHAI COSMX BATTERY CO., LTD.,
Petitioner

v.

NINGDE AMPEREX TECHNOLOGY LIMITED,
Patent Owner

Case IPR2025-00432
U.S. Patent No. 11,575,148

**PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED
BEFORE INSTITUTION**

Petitioner Zhuhai CosMX Battery Co., Ltd. (“Petitioner”) hereby objects to certain evidence submitted by Ningde Amperex Technology Limited (“Patent Owner”) before institution in the above-captioned proceeding. In accordance with 37 C.F.R. § 42.64(b)(1), these objections are being timely filed and served within ten (10) business days of the institution of trial (Paper 10).

I. EXHIBIT 2015

Exhibit 2015 is described as the Declaration of Dean R. Wheeler, Ph.D., in Support of Patent Owner’s Preliminary Response. Petitioner objects to Exhibit 2015, including specifically to the extent it includes subject matter that is not permitted pursuant to FRE 602 and/or 702-703, including without limitation, to the extent that the declaration presents as “facts” information that is outside the personal knowledge of the declarant and/or to the extent that the testimony is not based on sufficient facts or data or the product of reliable principles and methods reliably applied in this case. *See, e.g.*, Exhibit 2015, ¶¶17-48, 62, 67-69, 74, 78-115, 123-149, 159-174. Petitioner further objects to the portions of Exhibit 2015 that cite an exhibit objected to herein for the reasons stated herein.

II. EXHIBIT 2004

Exhibit 2004 is described on Patent Owner’s Exhibit List as Summons to attend oral proceedings in German Case No. 3 Ni 12/23 (EP) (“Germany Order 1”). Petitioner objects to Exhibit 2004 under FRE 401, 402, and 403 as irrelevant and/or

more prejudicial than probative, as this exhibit pertains to a foreign (German) proceeding regarding a different patent.

III. EXHIBIT 2005

Exhibit 2005 is described on Patent Owner's Exhibit List as Summons to attend oral proceedings in German Case No. 3 Ni 12/24 (EP) ("Germany Order 2"). Petitioner objects to Exhibit 2005 under FRE 401, 402, and 403 as irrelevant and/or more prejudicial than probative, as this exhibit pertains to a foreign (German) proceeding regarding a different patent.

IV. EXHIBIT 2006

Exhibit 2006 is described on Patent Owner's Exhibit List as Docket Navigator Statistics for Judge Rodney Gilstrap (accessed May 5, 2025). Petitioner objects to Exhibit 2006 as lacking authentication under FRE 901. Petitioner further objects to Exhibit 2006 under FRE 401, 402, and 403 because it is irrelevant to the validity of the '148 Patent and/or more prejudicial than probative.

V. EXHIBIT 2007

Exhibit 2007 is described on Patent Owner's Exhibit List as Docket, *Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.*, No. 2:22-cv-00232 (E.D. Tex.). Petitioner objects to Exhibit 2007 under FRE 401, 402, and 403 because it is irrelevant to the validity of the '148 Patent and/or more prejudicial than probative, as it is the docket for a separate litigation that did not involve the '148 Patent.

VI. EXHIBIT 2008

Exhibit 2008 is described on Patent Owner's Exhibit List as Joint Motion for Entry of Protective Order, *Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.*, No. 2:24-cv-00728-JRG, ECF No. 30 (E.D. Tex. Feb. 11, 2025). Petitioner objects to Exhibit 2008 under FRE 401, 402, and 403 because it is irrelevant to the validity of the '148 Patent and/or more prejudicial than probative.

VII. EXHIBIT 2009

Exhibit 2009 is described on Patent Owner's Exhibit List as Amended Final Judgment, *Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.*, No. 2:22-cv-00232, ECF No. 427 (E.D. Tex. Sept. 3, 2024). Petitioner objects to Exhibit 2009 under FRE 401, 402, and 403 because it is irrelevant to the validity of the '148 Patent and/or more prejudicial than probative, as it is the final judgment in a separate case that did not involve the '148 Patent.

VIII. EXHIBIT 2010

Exhibit 2010 is described on Patent Owner's Exhibit List as Article, *Lithium battery manufacturer ATL won injunction against its Chinese rival COSMX in German Court*, China IP Today (April 6, 2024). Petitioner objects to Exhibit 2010 under FRE 901 as lacking authentication. Petitioner further objects under FRE 401, 402, and 403 because it is irrelevant to the validity of the '148 Patent and/or more

prejudicial than probative, as it a news article regarding a litigation that did not involve the '148 Patent.

IX. EXHIBIT 2025

Exhibit 2025 is described on Patent Owner's Exhibit List as 2016 Batteries Conference GRC, available at: <https://www.grc.org/batteries-conference/2016/> (accessed on 12 May 2025). Petitioner objects to Exhibit 2025 under FRE 901 as lacking authentication. Petitioner further objects to Exhibit 2025 as containing hearsay under FRE 801 and FRE 802 to the extent that Patent Owner intends to rely on it to prove the truth of any matter asserted therein. Petitioner further objects to Exhibit 2025 under FRE 401, 402, and 403 as irrelevant to the validity of the '148 Patent and/or more prejudicial than probative, as it is merely the schedule for a conference.

X. EXHIBIT 2026

Exhibit 2026 is described on Patent Owner's Exhibit List as Hubs – Department of Energy, available at: <https://www.energy.gov/hubs> (accessed on 12 May 2025). Petitioner objects to Exhibit 2026 under FRE 901 as lacking authentication. Petitioner further objects to Exhibit 2026 as containing hearsay under FRE 801 and FRE 802 to the extent that Patent Owner intends to rely on it to prove the truth of any matter asserted therein. Petitioner further objects to Exhibit 2026

under FRE 401, 402, and 403 as irrelevant to the validity of the '148 Patent and/or more prejudicial than probative, as it is merely a Department of Energy webpage.

XI. EXHIBIT 2027

Exhibit 2027 is described on Patent Owner's Exhibit List as DOE Energy Innovation Hubs, available at: <https://science.osti.gov/bes/Research/DOE-Energy-Innovation-Hubs> (accessed on 12 May 2025). Petitioner objects to Exhibit 2027 under FRE 901 as lacking authentication. Petitioner further objects to Exhibit 2027 as containing hearsay under FRE 801 and FRE 802 to the extent that Patent Owner intends to rely on it to prove the truth of any matter asserted therein. Petitioner further objects to Exhibit 2027 under FRE 401, 402, and 403 as irrelevant to the validity of the '148 Patent and/or more prejudicial than probative, as it is merely a Department of Energy webpage.

XII. EXHIBIT 2028

Exhibit 2028 is described on Patent Owner's Exhibit List as Salvatore Luiso & Peter Fedkiw, *Lithium-ion battery separators: Recent developments and state of art*, 20 Current Opinion in Electrochemistry 99–107 (2020). Petitioner objects to Exhibit 2028 under FRE 901 as lacking authentication. Petitioner further objects to Exhibit 2028 as containing hearsay under FRE 801 and FRE 802 to the extent that Patent Owner intends to rely on it to prove the truth of any matter asserted therein.

Petitioner further objects to Exhibit 2028 under FRE 401, 402, and 403 as irrelevant to the validity of the '148 Patent and/or more prejudicial than probative.

XIII. EXHIBIT 2029

Exhibit 2029 is described on Patent Owner's Exhibit List as Sugino Machine Ltd., *StarBurst® P2218E 102501 AS* (Sugino Machine Ltd. 2025). Petitioner objects to Exhibit 2029 under FRE 901 as lacking authentication. Petitioner further objects to Exhibit 2029 as containing hearsay under FRE 801 and FRE 802 to the extent that Patent Owner intends to rely on it to prove the truth of any matter asserted therein. Petitioner further objects to Exhibit 2029 under FRE 401, 402, and 403 as irrelevant to the validity of the '148 Patent and/or more prejudicial than probative.

Respectfully submitted,

LEE & HAYES, P.C.

/James D. Stein/

James D. Stein
Registration No. 63,782
Lead Counsel for Petitioner

Date: September 10, 2025

CERTIFICATE OF SERVICE (37 C.F.R. §§ 42.6(e), 42.105(a))

I certify that the above-captioned **PETITIONER'S OBJECTIONS TO EVIDENCE SUBMITTED BEFORE INSTITUTION** was served in its entirety upon the Patent Owner on September 10, 2025, by email to the following addresses:

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Respectfully submitted,

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/James D. Stein/

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Lead Counsel for Petitioner

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