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 IPR2025-00524
U.S. Patent No. 12,015,118

PETITIONER ZHUHAI COSMX BATTERY CO. LTD.'S OBJECTIONS TO EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(B)(1)

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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 2058, Supplemental Declaration of Dean R. Wheeler, Ph.D.;
- Exhibit 2045, CosMX Responsive Claim Construction Brief, *Ningde Amperex Tech. Ltd. v. Zhuhai CosMX Battery Co.*, No. 2:24-cv-00728; and
- Exhibit 2050, Deposition Transcript of Samuel Gido, Ph.D., dated January 12, 2026.

Exhibits 2045-2058 were filed by Patent Owner Ningde Amperex Technology Ltd. ("Patent Owner") on January 27, 2026, with Patent Owner's Response. Petitioner's Objections are timely filed under 37 C.F.R. § 42.64(b)(1), within five business days of the filing of the Patent Owner Response. Petitioner files these Objections to provide notice to Patent Owner that Petitioner may move to exclude the Challenged Evidence under 37 C.F.R. § 42.64(c).

II. EXHIBIT 2058 – SUPPLEMENTAL DECLARATION OF DEAN R. WHEELER, PH.D.

Petitioner objects to Exhibit 2058 under F.R.E. 702 and 703 because Exhibit 2058 includes statements and testimony based on insufficient facts or data, and is not the product of reliable principles and methods. *See*, *e.g.*, EX2058, ¶¶23-178.

Further, the relied-upon facts and data are not those on which experts in this field would reasonably apply.

Petitioner further objects to Exhibit 2058 under F.R.E. 602 to the extent that Exhibit 2058 presents as "facts" information that is outside the personal knowledge of the declarant.

Petitioner further objects to Exhibit 2058 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 2058 that cite an exhibit objected to herein for the reasons stated herein.

III. EXHIBIT 2045 – COSMX RESPONSIVE CLAIM CONSTRUCTION BRIEF, *NINGDE AMPEREX TECH. LTD. V. ZHUHAI COSMX BATTERY CO.*, NO. 2:24-CV-00728

Petitioner objects to Exhibit 2045 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 2050 – DEPOSITION TRANSCRIPT OF SAMUEL GIDO, PH.D., DATED JANUARY 12, 2026

Petitioner maintains and reiterates the objections made on the record during the deposition of Sanuel Gido, Ph.D., taken January 12, 2026.

V. CONCLUSION

To the extent Patent Owner fails to correct the defects associated with the Challenged 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,

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.

/Jason D. Eisenberg/

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Date: February 3, 2026

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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 PURSUANT TO 37 C.F.R. § 42.64(B)(1)** was served in its entirety on February 3, 2026 upon the following parties via electronic mail:

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