

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QD OXFORD UK LIMITED, and
QUANTUM DESIGN INTERNATIONAL INC.,
Petitioner,

v.

MAYBELL QUANTUM INDUSTRIES, INC.,
Patent Owner.

Case No. IPR2026-00291
Patent No. 12,313,320

PATENT OWNER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner submits the following objections to evidence submitted during a preliminary proceeding in connection with the Petition (Paper 1) on March 16, 2026. These objections have been timely filed and served within ten business days of the August 25, 2026 institution of the trial.

I. EXHIBIT 1008 (WIKUS DISSERTATION)

Patent Owner objects to this exhibit which is inadmissible because Petitioners have failed to authenticate Exhibit 1008 (Dissertation of Patrick Wikus) in accordance with Fed. R. Evid. 901(a). The stamp on the first page of the document indicates that the document is not the “original version.” EX1008, 1. Petitioners have not produced evidence sufficient to support a finding that Exhibit 1008 is what Petitioners claim it is; have not sufficiently explained how the document was obtained; have not provided evidence regarding the origin or preservation of the document; have not established that it is a true and accurate copy; and have not otherwise authenticated the document.

Patent Owner also objects to the stamp on the first page of the document as inadmissible hearsay under Fed. R. Evid. 801-802, and as lacking foundation under Fed. R. Evid. 602, 603, 803. Petitioners have not identified, for example, the source of the marking nor established that the individual who added the stamp had adequate personal knowledge.

Further, Petitioners have failed to establish that Exhibit 1008 was publicly available on or before the effective filing date of the '320 Patent and thus have not established that the exhibit constitutes prior art under 35 U.S.C. § 102.

Due to at least these deficiencies, Petitioners have failed to establish that these exhibits are relevant under Fed. R. Evid. 401, and therefore the exhibits are inadmissible under Fed. R. Evid. 402.

II. EXHIBIT 1015 (OFER EMAIL)

Patent Owner objects to Exhibit 1015 as inadmissible hearsay under Fed. R. Evid. 801-802, and as lacking foundation under Fed. R. Evid. 602, 603, 803.

Petitioners have not established, for example, that Boris Ofer has any personal knowledge of circumstances relating to public availability of the Wikus Dissertation; that Boris Ofer qualifies as a “custodian or another qualified witness” under Fed. R. Evid. 803(6)(D); or that “the source of information or the method or circumstances of preparation indicate a lack of trustworthiness” under Fed. R. Evid. 803(6)(E).

Further, Patent Owner objects to Exhibit 1015 under Fed. R. Evid. 106 as being potentially misleading because it appears to be only a partial communication.

III. EXHIBIT 1002 (EXPERT DECLARATION)

Patent Owner objects to Exhibit 1002, the Declaration of Andrew Casey, Ph.D. Patent Owner objects to ¶¶92-93 under Fed. R. Evid. 401, 402, 602, 702,

703, 801, 802, and 803. The testimony is unhelpful, not based on sufficient facts or data, and not the product of reliable principles and methods. For example, the statement that “Wikus was distributed to multiple libraries and repositories” lacks a proper foundation under Fed. R. Evid. 602 and, to the extent relied upon as evidence that Exhibit 1015 qualifies as a printed publication, the opinion is not reliably based on the cited evidence. The testimony is also inadmissible to the extent that it recites out of court statements from others, or the content of documents, for the truth of the matter asserted, relating to Exhibit 1015. The testimony is irrelevant under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402.

Patent Owner objects to ¶¶92-98 and 273-315 under Fed. R. Evid. 702 and 703. To the extent the Wikus Dissertation has not been established as prior art, the testimony regarding Wikus is unhelpful, not based on sufficient facts or data, and not the product of reliable principles and methods, irrelevant under Fed. R. Evid. 401, and inadmissible under Fed. R. Evid. 402 as Petitioners have not established that Exhibit 1008 qualifies as prior art under 35 U.S.C. § 102.

Respectfully submitted,
Maybell Quantum Industries, Inc.

Date: September 9, 2026

/ Mark Consilvio /

Mark J. Consilvio, Reg. No. 72,065
WOLF, GREENFIELD & SACKS, P.C.

CERTIFICATE OF SERVICE UNDER 37 C.F.R. § 42.6 (E)(4)

I certify that on September 9, 2026, a copy of the foregoing document, including any exhibits filed therewith, is being served via electronic mail, as previously consented to by Petitioner, upon the following:

Andrew J. Gray IV
Tae-Woong Koo

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Date: September 9, 2026

/MacAulay Rush/
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