UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KUBOTA NORTH AMERICA CORPORATION,

Petitioner

v.

VERMEER MANUFACTURING COMPANY,

Patent Owner

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PGR2025-00016
U.S. Patent No. 12,098,063

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PETITIONER'S EVIDENTIARY OBJECTIONS TO EXHIBITS 2046 and 2047

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Kubota North America Corporation ("Petitioner") hereby timely objects to Exhibits 2046 and 2047 filed by Patent Owner with its Motion to Exclude (Paper 36) on March 3, 2026.

Petitioner objects to Exhibit 2046 as lacking proper authentication under Federal Rule of Evidence (FRE) 901, and the document is not self-authenticating under FRE 902. Patent Owner has not produced evidence to support a finding that Exhibit 2046 is what Patent Owner claims it to be, *i.e*., a LinkedIn profile belonging to Petitioner's affiant at a relevant time. Patent Owner also has provided no evidence of personal knowledge as to the completeness or accuracy of Exhibit 2046. *See* FRE 901(a) ("To satisfy the requirement of authenticating or identifying an item of evidence, the proponent must produce evidence sufficient to support a finding that the item is what the proponent claims it is."); *Wady v. Provident Life and Accident Ins. Co. of Am.,* 216 F. Supp. 2d 1060 (C.D. Cal. 2002) (sustaining objection because the proponent "has no personal knowledge of who maintains the website, who authored the documents, or the accuracy of their contents."); *see also, United States v. Jackson*, 208 F.3d 633, 638 (7th Cir. 2000).

Petitioner further objects to Exhibits 2046 and 2047 under FRE 801-807 as hearsay offered for the truth of the matter asserted and not subject to any hearsay exception. Exhibit 2046 contains out-of-court statements offered to prove the truth of those assertions, namely that Exhibit 2046 is a LinkedIn profile of Petitioner's affiant and that the listed qualifications are accurate and complete. Likewise, Exhibit 2047 is hearsay and offered for the truth of the matter asserted to the extent that it is offered to prove that Exhibit 2046 is a LinkedIn profile of Petitioner's affiant. Neither Patent Owner nor its declarant in Exhibit 2047 claim to have personal knowledge of the matter asserted.

Lastly, Petitioner objects to Exhibits 2046 and 2047 under FRE 403 because

its probative value is substantially outweighed by the danger of unfair prejudice, confusion of issues, and misleading the Board.

Patent Owner filed Exhibits 2046 and 2047 with its Motion to Exclude on March 3, 2026. Therefore, Petitioner's Objections to Exhibits 2046 and 2047 are timely under 37 C.F.R. § 42.64(b)(1).

Dated: March 6, 2026

Respectfully submitted,

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/ David M. O'Dell /
David M. O'Dell
Lead Counsel for Petitioner
Registration No. 42,044

CERTIFICATE OF SERVICE

The undersigned certifies that, in accordance with 37 C.F.R. § 42.6(e), service was made on Patent Owner as detailed below.

Date of service March 6, 2026

Manner of service Electronic Mail: rbrophy@atllp.com
mvandertuig@atllp.com;
mvandermolen@atllp.com

Documents served ***PETITIONER'S EVIDENTIARY OBJECTIONS TO EXHIBITS 2046 AND 2047***

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