

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

IPR2025-00405
Patent 11,769,910

PATENT OWNER'S OBJECTIONS TO EVIDENCE
SUBMITTED PRIOR TO INSTITUTION

Pursuant to 37 C.F.R. § 42.64(b), Patent Owner Ningde Amperex Technology Ltd. (“ATL” or “Patent Owner”) respectfully asserts the following objections to the evidence proffered with the Corrected Petition (“Petition”) filed by Petitioner Zhuhai CosMX Battery Co., Ltd. (“Petitioner” or “CosMX”) regarding the claims of U.S. Patent No. 11,769,910 (“the ’910 patent”). The Federal Rules of Evidence (“FRE”) apply to these proceedings according to the provisions of 37 C.F.R. § 42.62(a), and these rules, along with relevant case law and PTAB Rules, form the basis of objections contained herein. Patent Owner’s objections apply equally to Petitioner’s reliance on or citation to any objected evidence in its papers. These objections are being served and filed within 10 business days from the institution of trial on August 12, 2025.

Evidence	Objection(s)
Ex. 1003	<p>Exhibit 1003 is the Declaration of Dr. Brett Lucht, Ph.D.</p> <p>Patent Owner objects to ¶¶ 32, 38, 53, 58, 60, 64 69, 73, 77, 80, 84, 92, 96, 112, 122, 165, 170, 172, 176, 178, 184, 187, 201, 203-206, and 227 of this exhibit as not based on sufficient facts or data, <i>e.g.</i>, under FRE 702(b).</p> <p>Patent Owner objects to ¶¶ 32, 38, 84, 176, 178, 199, 201, 203-206, and 240 as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>

IPR2025-00405
U.S. Patent No. 11,769,910
Patent Owner's Objections to Evidence

	<p>Patent Owner objects to this exhibit under FRE 802 as constituting inadmissible hearsay for which no exception has been established to the extent the exhibit is offered by Petitioner to prove the truth of any matter asserted therein.</p>
Ex. 1019	<p>Exhibit 1019 is Millipore Sigma data sheets for ethylene carbonate (EC), propylene carbonate (PC), ethyl propionate (EP), and propyl propionate (PP)</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1020	<p>Exhibit 1020 is TCI America page for 1,3,6-Hexanetricarbonitrile</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1023	<p>Exhibit 1023 is U.S. Patent Application Publication No. 2017/0324116 A1 to Youichi Ohashi ("Ohashi")</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1024	<p>Exhibit 1024 is U.S. Patent Application Publication No. 2016/0294007 A1 to Wang Kefei ("Kefei")</p> <p>Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.</p>
Ex. 1025	<p>Exhibit 1025 is U.S. Patent Application Publication No. 2017/0069934 A1 to Yun-Hee Kim et al. ("Kim '934")</p>

IPR2025-00405
U.S. Patent No. 11,769,910
Patent Owner's Objections to Evidence

	Patent Owner objects to this exhibit as irrelevant under FRE 402, and prejudicial, misleading, confusing, and/or a waste of time under FRE 403.
--	---

Dated: August 26, 2025

Respectfully submitted,

By: /Christopher TL Douglas/
Christopher TL Douglas, Reg. No. 56,950

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. §42.64(b)(1), the undersigned hereby certifies that a true and correct copy of the foregoing **PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED PRIOR TO INSTITUTION** was served in its entirety on August 26, 2025 by filing this document through the PTAB's P-TACTS Filing System as well as delivering a true and correct copy by electronic mail on Petitioner's lead and backup counsel at the following email addresses (as agreed by counsel for Petitioner):

James D. Stein (james.stein@leehayes.com)

Kevin Yao (kevin.yao@leehayes.com)

Jason D. Eisenberg (jasone-PTAB@sternekessler.com)

Jason A. Fitzsimmons (jfitzsimmons-PTAB@sternekessler.com)

COSMX-PTAB@leehayes.com

PTAB@sternekessler.com

Dated: August 26, 2025

By: / Christopher TL Douglas /
Christopher TL Douglas