

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOP GLORY TRADING GROUP INC. and DP DREAM PAIRS, INC.

Petitioner,

v.

COLE HAAN LLC

Patent Owner.

Case No. IPR2025-01395

Patent No. D768,969

**PATENT OWNER'S OBJECTIONS TO PETITIONERS' PRE-TRIAL
EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Cole Haan, LLC (“Patent Owner”) hereby submits the following objections to exhibits served by Petitioners Top Glory Trading Group Inc. and DP Dream Pairs, Inc. (collectively, “Petitioners”) in Case No. IPR2025-01395. Patent Owner’s objections apply equally to Petitioners’ reliance on the exhibits in any subsequently filed documents. These objections are timely, having been served within ten business days of the institution of the trial. 37 C.F.R. § 42.64(b)(1).

OBJECTIONS

1. Patent Owner objects to Exhibit 1003 (the Declaration of Mr. Grant Delgatty) under Rules 702 and 703 of the Federal Rules of Evidence. Patent Owner objects to Exhibit 1003 under Rules 702 and 703 to the extent the opinions are not the product of a reliable methodology, including, for example, in paragraphs 90, 92, 98, 106, 108, 121, 123, 136, 146, 150, 158, and 164, opining that various design differences are “minor” or “trivial,” and paragraphs 105, 163, 174, and 195, opining that certain features are “purely functional.” Patent Owner further objects to Exhibit 1003 under Rules 402 and 403 to the extent the Declaration relies on inadmissible exhibits, including Exhibits 1007, 1008, 1009, 1017, 1018, 1019, 1020, 1021, 1022, 1023, 1024, 1025, and 1027.

2. Patent Owner objects to Exhibit 1007 under Rule 902 of the Federal Rules of Evidence because it includes unauthenticated images purportedly from the

video in Exhibit 1005, but the images in Exhibit 1007 are not self-authenticating and have not been authenticated by a declarant. Therefore, under Rule 901 of the Federal Rules of Evidence, Exhibit 1007 is inadmissible.

3. Patent Owner objects to Exhibit 1008 under Rules 402, 403, 801, and 802 of the Federal Rules of Evidence because it is a screen capture of a webpage dated July 2025 containing a YouTube video alleged to be prior art, which is supposedly relied upon on to show public accessibility of the video. Exhibit 1008 is not relevant and any limited probative value would be outweighed by the danger of unfair prejudice and issue confusion because Petitioners have not met their burden to prove the screen capture of the webpage qualifies as prior art, there is no evidence in the record sufficient to demonstrate public availability of the webpage or the video thereon, and Petitioners have not provided an admissible declaration from an individual with knowledge who can attest that the webpage with the video was publicly available. Finally, Exhibit 1008 is also irrelevant because it is mentioned only once in the Petition in a list of exhibits which supposedly “show public accessibility” but neither Petitioners nor their expert explained how it shows public accessibility. Moreover, to the extent Petitioners rely on the contents of Exhibit 1008 for the truth of the matter asserted, Patent Owner objects to such content as inadmissible hearsay under Federal Rules of Evidence 801 and 802 that does not fall

under any exceptions, including those of Federal Rules of Evidence 803, 804, 805, or 807.

4. Patent Owner objects to Exhibit 1009 under Rule 902 of the Federal Rules of Evidence because it is an unauthenticated Internet webpage screen capture that is not self-authenticating. Therefore, under Rule 901 of the Federal Rules of Evidence, Exhibit 1009 is inadmissible. Patent Owner further objects to Exhibit 1009 under Rules 402, 403, 801, and 802 of the Federal Rules of Evidence. Exhibit 1009 is not relevant and any limited probative value would be outweighed by the danger of unfair prejudice and issue confusion because Petitioners have not met their burden to prove the webpage qualifies as prior art, there is no evidence in the record sufficient to demonstrate public availability of the webpage, and Petitioners have not provided an admissible declaration from an individual with knowledge who can attest that the webpage was publicly available. Moreover, to the extent Petitioners rely on the contents of Exhibit 1009 for the truth of the matter asserted, Patent Owner objects to such content as inadmissible hearsay under Federal Rules of Evidence 801 and 802 that does not fall under any exceptions, including those of Federal Rules of Evidence 803, 804, 805, or 807.

5. Patent Owner further objects to Exhibit 1016 under Rules 402 and 403 of the Federal Rules of Evidence. Exhibit 1016 is not relevant and any limited probative value would be outweighed by the danger of unfair prejudice and issue

confusion because Exhibit 1016 contains insufficient images of the alleged prior art which do not allow for a side-by-side comparison with the patent drawing.

6. Patent Owner objects to Exhibit 1017 under Rules 401, 402, and 403 of the Federal Rules of Evidence. Exhibit 1017 is not relevant and any limited probative value would be outweighed by the danger of unfair prejudice and issue confusion because Exhibit 1017 contains insufficient images of the alleged prior art which do not allow for a side-by-side comparison with the patent drawing.

7. Patent Owner objects to Exhibits 1018 and 1025 under Rules 402 and 403 of the Federal Rules of Evidence because Exhibits 1018 and 1025 are not sufficiently relevant and any probative value is outweighed by unfair prejudice. Exhibits 1018 and 1025 are only relevant to discretionary issues, which have been resolved. Exhibits 1018 and 1025 are not sufficiently relevant to any post-institution determinations the Board will make.

8. Patent Owner objects to Exhibits 1019, 1020, 1021, 1022, 1023, and 1024 under Rules 801 and 802 of the Federal Rules of Evidence. To the extent Petitioners rely on the contents of Exhibit 1019, 1020, 1021, 1022, 1023, and/or 1024 for the truth of the matter asserted, Patent Owner objects to such content as inadmissible hearsay under Federal Rules of Evidence 801 and 802 that does not fall under any exceptions, including those of Federal Rules of Evidence 803, 804, 805, or 807.

9. Patent Owner objects to Exhibit 1027 under Rules 401, 402, and 403 of the Federal Rules of Evidence. Exhibit 1027 is not relevant and any limited probative value would be outweighed by the danger of unfair prejudice and issue confusion because Petitioners have not met their burden to prove Exhibit 1027, described as “Chinese Design Patent No. 201530359567,” qualifies as prior art.

Dated: March 10, 2026

Respectfully submitted,

/Chad C. Walters/

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CERTIFICATE OF SERVICE

In accordance with 37 CFR §§ 42.6(e), the undersigned certifies that on March 10, 2026, a complete and entire copy of this **PATENT OWNER'S OBJECTIONS TO PETITIONERS' PRE-TRIAL EVIDENCE** and all supporting exhibits were served on Petitioners via electronic mail to counsel for Petitioners at the following addresses:

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Dated: March 10, 2026

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