

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner

v.

MICHIGAN MOTOR TECHNOLOGIES LLC,
Patent Owner

Case IPR2020-00446
Patent 6,763,804

**PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE
PURSUANT TO 37 C.F.R. § 42.64(b)(1)**

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to 37 C.F.R. § 42.64(b)(1), Petitioner Volkswagen Group of America, Inc. (“Petitioner”) hereby objects under the Federal Rules of Evidence (“FRE”) to the admissibility of Exhibit 2001, the DECLARATION OF DR. RUSSELL LEONARD, which Patent Owner Michigan Motor Technologies LLC (“Patent Owner”) filed with its Preliminary Response on June 15, 2020.

Petitioner timely objects under 37 C.F.R. § 42.64(b)(1) within the allowed ten business days of institution of trial in this proceeding. Petitioner files and serves Patent Owner with these objections to provide notice that Petitioner may move to exclude Exhibit 2001 under 37 C.F.R. § 42.64(c).

Exhibit 2001: Declaration of Dr. Russel Leonard

F.R.E. 401, 402, and 403: Exhibit 2001 includes information that is irrelevant or whose probative value to any ground upon which trial was instituted is substantially outweighed by the danger of unfair prejudice, confusing the issues, undue delay, wasting time, or needlessly presenting cumulative evidence.

F.R.E. 602: Petitioner objects to Exhibit 2001 for lack of foundation. Patent Owner has not shown that the declarant has personal knowledge of the subject matter of the testimony as required by F.R.E. 602.

F.R.E. 702 and 703: Exhibit 2001 includes statements and testimony from a witness who is not qualified as an expert. Exhibit 2001 also includes statements and testimony based on insufficient facts or data, and is not the product of reliable

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

Respectfully submitted,

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

/Michael D. Specht/

Michael D. Specht (Reg. No. 54,463)
Counsel for Petitioner
Volkswagen Group of America, Inc.

Date: September 9, 2020

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CERTIFICATION OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **PETITIONER'S OBJECTIONS TO PATENT OWNER'S EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(B)(1)** was electronically served via e-mail in its entirety on September 9, 2020, upon the following counsel of record for Patent Owner:

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Respectfully submitted,

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/Michael D. Specht/

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