

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SDI TECHNOLOGIES, INC.
Petitioner

v.

BOSE CORPORATION
Patent Owner

Case IPR2014-00346
Patent 8,364,295 B2

PATENT OWNER'S NOTICE OF OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner Bose Corporation serves its notice of objections to certain evidence Petitioner SDI Technologies, Inc. submitted in connection with its Amended Petition in IPR2014-00346 and on which the PTAB relied in its decision to institute *inter partes review* of claims 25, 26, 51-53, 55-62, 75, and 76 in U.S. Patent 8,364,295. *See* Paper 13.

Exhibit 1009 (“WinAmp”)

Patent Owner objects to Exhibit 1009, which is an excerpt from a book with copyright date 1999, on the following grounds:

- FRE 106 (incomplete);
- FRE 802 (inadmissible hearsay);
- FRE 901 (authentication).

Exhibit 1010 (“Irman Web Pages”)

Patent Owner objects to Exhibit 1010, which corresponds to pages downloaded from the Internet Archive’s Wayback Machine, on the following grounds:

- FRE 106 (incomplete);
- FRE 802 (inadmissible hearsay);
- FRE 901 (authentication).

Exhibit 1011 (“Altec Lansing Manual”)

Patent Owner objects to Exhibit 1011, which is a portion of a user manual plus other material, on the following grounds:

- FRE 106 (incomplete);
- FRE 802 (inadmissible hearsay);
- FRE 901 (authentication).

Exhibit 1017

Exhibit 1017 corresponds to the Declaration of Andrew B. Lippman dated June 12, 2013. Patent Owner objects to certain statements made to the extent Dr. Lippman offers factual observations without laying a foundation or otherwise demonstrating personal knowledge (FRE 602, 702, 703); the opinions expressed are not the product of reliable principles or methods applied to sufficient facts or data (FRE 702, 703); the statements relate to patent practice (e.g., non-obviousness and use of impermissible hindsight) (37 C.F.R. Section 42.65(a)); and/or the statements refer to or rely on Exhibits 1009, 1010, and 1011, which are themselves objectionable.

Objections to Statements in Lippman Declaration (Exhibit 1017)	
Paragraph 21	Lack of foundation for expert testimony (FRE 702, 703) Lack of personal knowledge (FRE 602)

Objections to Statements in Lippman Declaration (Exhibit 1017)	
Paragraph 22	Lack of foundation for expert testimony (FRE 702, 703) Lack of personal knowledge (FRE 602) Improper expert testimony (37 C.F.R. Section 42.65(a))
Paragraph 23	Lack of foundation for expert testimony (FRE 702, 703) Lack of personal knowledge (FRE 602) Improper expert testimony (37 C.F.R. Section 42.65(a))
Paragraph 39	Lack of foundation for expert testimony (FRE 702, 703) Testimony not the product of reliable principles or methods applied to sufficient facts or data (FRE 702, 703) Lack of personal knowledge (FRE 602) Improper expert testimony (37 C.F.R. Section 42.65(a))
Paragraph 40	Lack of foundation for expert testimony (FRE 702, 703) Testimony not the product of reliable principles or methods applied to sufficient facts or data (FRE 702, 703) Personal knowledge (FRE 602) Improper expert testimony (37 C.F.R. Section 42.65(a))
Paragraph 41	Lack of foundation for expert testimony (FRE 702, 703) Testimony not the product of reliable principles or methods applied to sufficient facts or data (FRE 702, 703) Lack of personal knowledge (FRE 602) Improper expert testimony (37 C.F.R. Section 42.65(a))
Paragraph 42	Lack of foundation for expert testimony (FRE 702, 703) Testimony not the product of reliable principles or methods applied to sufficient facts or data (FRE 702, 703)

Objections to Statements in Lippman Declaration (Exhibit 1017)	
	<p>Lack of personal knowledge (FRE 602)</p> <p>Improper expert testimony (37 C.F.R. Section 42.65(a))</p>
Paragraph 43	<p>Lack of foundation for expert testimony (FRE 702, 703)</p> <p>Testimony not the product of reliable principles or methods applied to sufficient facts or data (FRE 702, 703)</p> <p>Lack of personal knowledge (FRE 602)</p> <p>Improper expert testimony (37 C.F.R. Section 42.65(a))</p>
Paragraph 44	<p>Lack of foundation for expert testimony (FRE 702, 703)</p> <p>Testimony not the product of reliable principles or methods applied to sufficient facts or data (FRE 702, 703)</p> <p>Lack of personal knowledge (FRE 602)</p> <p>Improper expert testimony (37 C.F.R. Section 42.65(a))</p>

For at least these reasons, Patent Owner Bose Corporation objects to Exhibits 1009, 1010, 1011, and 1017. Patent Owner reserves the right to move to exclude these Exhibits. Further, Patent Owner reserves the right to make objections to any evidence that forms the basis of any additional ground of rejection or that is later introduced or relied upon by the Board or Petitioner, including those references initially relied upon by the Petitioner but were part of grounds the PTAB denied (*e.g.*, Exhibits 1002, 1005, 1006, 1007, 1008, 1012, and 1018, as well as other portions of Exhibit 1017).

Respectfully submitted,

Date: /July 22, 2014/

/Dorothy P. Whelan/
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Attorneys for Patent Owner, Bose Corp.

CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§ 42.6(e)(4) and 42.205(b), the undersigned certifies that on July 22, 2014, a complete and entire copy of this Patent Owner's Notice of Objections to Evidence was provided via email to the Patent Owner by serving the correspondence email addresses of record as follows:

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