

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ESSELTE CORPORATION, ET AL.,
Petitioner

v.

DYMO,
Patent Owner

Case IPR2015-00766
Patent 7,990,567

PATENT OWNER'S NOTICE OF OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), Patent Owner DYMO (“Sanford” or (“Patent Owner”) hereby submits its notice of objections to certain evidence that Petitioners Esselte Corporation, Esselte AB, and Esselte Leitz GMBH & Co. KG (collectively, Esselte or Petitioner) submitted in connection with IPR2015-00766.

Exhibit 1002

Patent Owner objects to Exhibit 1002 (Declaration of Mr. Stephen Gray) on several grounds.

Patent Owner objects to the paragraphs enumerated below in Exhibit 1002 to the extent Mr. Gray offers testimony without laying foundation or otherwise fails to disclose the underlying facts or data on which his opinion is based (FRE 702, 703; 37 C.F.R. Section 42.65(a)). Patent Owner also objects to Exhibit 1002 to the extent it refers to or relies on Exhibit 1007, as that exhibit is itself objectionable, as addressed separately below.

Patent Owner reserves its right to further challenge Mr. Gray’s testimony based on a deposition of Mr. Gray.

The following chart lists objections to specific paragraphs in Exhibit 1002 and the corresponding grounds for the objections.

| Objections to Paragraphs in Exhibit 1002 | |
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| Paragraph 49 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 58 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 60 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 65 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 90 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 91 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 103 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 115 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 117 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
| Paragraph 119 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |

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| Paragraph 121 | Lacks Foundation/Lacks Underlying Facts or Data (FRE 702, 703; 37 C.F.R. Section 42.65(a)) |
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Exhibit 1007

Patent Owner objects to Exhibit 1007 (U.S Patent No. 7,990,567 File History) as unauthenticated (FRE 901).

For at least these reasons, Patent Owner objects to Exhibits 1002 and 1007. 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 later introduced or relied upon by the Board or Petitioner.

Respectfully submitted,



Date: September 14, 2015

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CERTIFICATE OF SERVICE

Pursuant to 37 CFR § 42.6(e)(4), the undersigned certifies that on September 14, 2015, a complete and entire copy of this Patent Owner's Notice of Objections to Evidence was provided via email, to the Petitioner by serving the correspondence email addresses of record as follows:

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