

Paper No. _____

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RAYMARINE, INC., Petitioner

v.

NAVICO HOLDING AS
(previously NAVICO, INC., changed by assignment on 6/28/13)
Patent Owner

Case IPR2013-00355
Patent 8,305,840
Title: DOWNSCAN IMAGING SONAR

PETITIONER'S NOTICE OF SUPPLEMENTAL EVIDENCE

PETITIONER'S NOTICE OF SUPPLEMENTAL EVIDENCE

Petitioner Raymarine, Inc. hereby submits two letters from Daniel P. Tighe, Attorney for Mr. Martin Klein, to Mr. Kirk T. Bradley of Alston & Bird LLP dated November 7, 2013 and November 26, 2013 ("Klein Letters," Exhibits RAY-1011 and RAY-1012).

On December 27, 2013, Patent Owner Navico Holding AS filed Patent Owner's Objection to Evidence Under 37 C.F.R. §42.64(B)(1) ("Objection"). The Patent Owner objects to Petitioner's use of Mr. Martin Klein as an expert witness and the Declaration of Martin Klein (RAY-1009) in its entirety. The basis for the Objection is that Mr. Klein previously served as an expert witness on behalf of Patent Owner in another matter and, allegedly, had knowledge of and access to Patent Owner's confidential information that is also relevant to the current proceeding. Objection is also made to Paul Stokes and the Declaration of Paul Stokes (RAY-1010) in light of the similarity between the two declarations.

The Klein Letters expressly refute any improper use of Patent Owner's confidential information and state:

- "Mr. Klein does not have any Navico confidential information and has not had any since February 2012 (at the latest)." (RAY-1011)
- "Mr. Klein has never disclosed whatever Navico information he once had." (RAY-1011)

- “[D]uring the Engagement, Mr. Klein did not come into possession of Navico information relevant to his current work for Raymarine.” (RAY-1011)
- “Mr. Klein is happy to confirm that he has not used or disclosed any confidential information he received from Navico, and that he will not do so.” (RAY-1012)
- “Mr. Klein’s engagement for Raymarine does not ‘involve or pertain to confidential information of Navico.’” Rather, “Mr. Klein’s engagement with Raymarine involves his knowledge of prior art and the written claims and specifications of publicly available patents, as read from the perspective of one skilled in the art.” (RAY-1012)

This submission is authorized by 37 C.F.R. § 42.64(b)(2), which permits a party to submit supplemental evidence in response to an objection.

A revised exhibit list is attached below.

Dated: January 7, 2014

Respectfully Submitted,

HAYNES AND BOONE, LLP
2323 Victory Avenue, Suite 700
Dallas, Texas 75219
Telephone: 214/651-5533
Facsimile: 214/200-0853
R-353199

By: /David L. McCombs/
David L. McCombs
Registration No. 32,271
Counsel for Petitioner

PETITIONER'S REVISED EXHIBIT LIST

January 7, 2014

- RAY-1001 U.S. Patent No. 8,305,840
- RAY-1002 Prosecution History of U.S. Patent No. 8,305,840
- RAY-1003 de Jong, C.D. et al., Hydrography, (1st ed. 2002)
- RAY-1004 U.S. Patent No. 7,961,552 to Boucher et al.
- RAY-1005 U.S. Patent No. 3,144,631 to Lustig et al.
- RAY-1006 U.S. Patent No. 5,184,330 to Adams et al.
- RAY-1007 English Translation and Original Language Japanese
Utility Model No. 54-54365 to Sato
- RAY-1008 U.S. Patent No. 6,904,798 to Boucher et al.
- RAY-1009 Declaration of Martin Klein
- RAY-1010 Declaration of Paul Stokes
- RAY-1011 Letter from Daniel P. Tighe, Attorney for Mr. Martin Klein, to Mr. Kirk T. Bradley of Alston & Bird LLP dated November 7, 2013
- RAY-1012 Letter from Daniel P. Tighe, Attorney for Mr. Martin Klein, to Mr. Kirk T. Bradley of Alston & Bird LLP dated November 26, 2013

UNITED STATES PATENT AND TRADEMARK OFFICE

RAYMARINE, INC.

Petitioner

v.

NAVICO HOLDING AS

(previously NAVICO, INC., changed by assignment on 6/28/13)

Patent Owner

Case IPR2013-00355

Patent 8,305,840

Title: DOWNSCAN IMAGING SONAR

CERTIFICATE OF SERVICE

The undersigned certifies, in accordance with 37 C.F.R. § 42.205, that service was made on the Patent Owner as detailed below.

Date of service January 7, 2014

Manner of service Electronic Mail: (mike.mccoy@alston.com)

Documents served Peititioner's Notice Of Supplemental Evidence and Exhibits RAY-1011 and RAY-1012: Letters from Daniel P. Tighe, Attorney for Mr. Martin Klein, to Mr. Kirk T. Bradley of Alston & Bird LLP dated November 7, 2013 and November 26, 2013

Persons served Michael D. McCoy
Alston & Bird LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel: (704) 444-1011, Fax: (704) 444-1111

/David. L. McCombs/

David L. McCombs

Registration No. 32,271