

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARDIOCOM, LLC

Petitioner

v.

ROBERT BOSCH HEALTHCARE SYSTEMS, INC.

Patent Owner

CASE IPR2013-00451

Patent No. 7,587,469

**PATENT OWNER'S REPLY IN SUPPORT OF
MOTION TO EXCLUDE EVIDENCE**

I. **Dr. Stone's Analysis of Analogous Art is Fundamentally Flawed.**

Cardiocom argues in its Response that Dr. Stone's analysis of Wahlquist as analogous art should not be excluded because he was permitted to consider the specification of the '469 patent. Resp., 1-2. Bosch does not dispute that one may consider the specification to determine the proper scope of the claimed invention. Dr. Stone, however, testified that, in considering the specification, he determined the field of endeavor of the '469 patent to be even **broader** than what is actually claimed. Ex. 2024, 955:24-956:12; 1140:6-23. This of course violates Federal Circuit law. *In re Klein*, 647 F.3d 1343, 1348 (Fed. Cir. 2011). Incorrect statements of law of this sort must be excluded. *Hebert v. Lisle Corp.*, 99 F.3d 1109, 1117 (Fed. Cir. 1996).

Dated: August 21, 2014

Respectfully submitted,

By: /Don Daybell/

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CERTIFICATION OF SERVICE (37 C.F.R. § 42.6(e))

The undersigned hereby certifies that the above-captioned PATENT OWNER'S REPLY IN SUPPORT OF MOTION TO EXCLUDE EVIDENCE was served in its entirety on August 21, 2014, upon the following parties via electronic mail:

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