

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARGET CORPORATION

Petitioner

v.

DESTINATION MATERNITY CORPORATION

Patent Owner

Case IPR2013-00530 (Patent RE43,563 E)

Case IPR2013-00531 (Patent RE43,563 E)

Case IPR2013-00532 (Patent RE43,531 E)

Case IPR2013-00533 (Patent RE43,531 E)

Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and
MITCHELL G. WEATHERLY *Administrative Patent Judges*.

BISK, *Administrative Patent Judge*.

PETITIONER'S OBJECTION TO EVIDENCE

PURSUANT TO 37 C.F.R. § 42.64(b)(1)

PETITIONER'S OBJECTION TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), petitioner Target Corporation ("Target") hereby objects to the admissibility of the exhibits listed below, and contends that they are inadmissible, based on Federal Rules of Evidence ("FRE") 106, 401, 402, 403, 602, 701, 801, 802, 901, 1001, and 1002, because the exhibits are inadmissible hearsay and are irrelevant, unfairly prejudicial, inclusive of testimony in which the declarant, as a lay witness, offers his/her opinion, lacking of proper foundation, not in conformity with the best evidence rule, and unauthenticated.

Exhibit No.	Title
2001	October 19, 2007 blog post on The Mommy Playbook
2002	July 31, 2008 blog post on Mamanista!
2007	May 31, 2008 blog post on Everyday Becky
2008	July 15, 2008 Review: Secret Fit Belly Jeans from Motherhood Maternity
2009	January 30, 2008 blog post on Pinching Your Pennies Forums
2010	October 28, 2008 blog post on The Shy Girl's Guide to Pregnancy and Parenting
2011	October 3, 2008 blog post on Mamapedia
2012	January 2008 blog post on The Bump
2013	October 15, 2008 blog post on Pregnant Fashionista
2014	August 2008 blog post on Libby's Latest
2015	January 6, 2009 blog post on Keeping the Kingdom First
2016	May 21, 2009 blog post on Pregnant Fashionista

Further, because the PTAB authorized the filing of the complete transcripts of the depositions of Mindy Simon and Gregory Stangle, (see Case IPR2013-00530, Paper 12; Case IPR2013-00531, Paper 9; Case IPR2013-00532, Paper 9; and Case IPR2013-00533, Paper 10), and since both complete transcripts have since been filed in each respective case, Target hereby objects to the admissibility of the exhibits listed below under FRE 106 and 403 to the extent that DMC claims that the transcript excerpts in Exhibits Nos. 2005 and 2006 should be considered

alone or in isolation from the corresponding complete deposition transcripts, and because the probative value of such excerpts, if any, is outweighed by the unfair prejudice to Target resulting from any consideration of such excerpts alone or in isolation from the corresponding complete deposition transcripts.

Exhibit No.	Title
2005	Excerpts from the October 10, 2013 Deposition of Mindy Simon
2006	Excerpts from the October 4, 2013 Deposition of Gregory Stangle

Target reserves the right to assert additional objections or to revise its objections set forth herein.

FAEGRE BAKER DANIELS LLP

Dated: March 3, 2014

By: /s/ Daniel M. Lechleiter
Daniel M. Lechleiter

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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of the foregoing document to be served via email on March 3, 2014 on the foregoing:

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FAEGRE BAKER DANIELS LLP

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