## UNITED STATES PATENT AND TRADEMARK OFFICE

### **BEFORE THE PATENT TRIAL AND APPEAL BOARD**

## TARGET CORPORATION Petitioner

V.

DESTINATION MATERNITY CORPORATION Patent Owner

Case No. IPR2013-00530 (U.S. Patent No. RE43,563) Case No. IPR2013-00531 (U.S. Patent No. RE43,563) Case No. IPR2013-00532 (U.S. Patent No. RE43,531) Case No. IPR2013-00533 (U.S. Patent No. RE43,531)

Dated: August 1, 2014

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

## PATENT OWNER'S OBJECTION TO DOCUMENTS AND OTHER EVIDENCE PURSUANT TO 37 C.F.R. § 42.64(b)(1)

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## Patent Owner's Objection to Evidence

Pursuant to 37 C.F.R. § 42.64(b)(1), patent owner Destination

Maternity Corporation ("DMC") objects to the documents, exhibits and items set forth in the below table, and contends that they are inadmissible based on the Federal Rules of Evidence ("FRE") and/or not in compliance with the provisions of 37 CFR § 42.

Exhibit/Paper No.	Title	Objection
Ex. 1058	Crocs v. ITC	FRE 401, 402, 403, 802,
		901
Ex. 1059	Deposition Notice to	FRE 401, 402, 403, 802,
	DMC	901
Ex. 1064	Annotated Brookstein	FRE 106, 401, 402, 403,
	Decl.	802, 901, 1001, 1002
		37 C.F.R. § 42.53(a)
Ex. 1066	Annotated RE43531	FRE 106, 401, 402, 403,
		802, 901, 1001, 1002
		37 C.F.R. § 42.61(c)
Ex. 1067	Annotated US4590624	FRE 106, 401, 402, 403,
		802, 901, 1001, 1002
		37 C.F.R. § 42.61 (c)
Ex. 1068	Belly Panel Notes	FRE 106, 401, 402, 403,
		802, 901, 1001, 1002
		37 C.F.R. § 42.1(b)
Ex. 1069	Annotated excerpt of	FRE 106, 401, 402, 403,
	Ex 1002	802, 901, 1001, 1002
		37 C.F.R. § 42.1(b)
Ex. 1070	Annotated web page	FRE 106, 401, 402, 403,
		802, 901, 1001, 1002
Ex. 1071	DL1961 web page	Foundation
		FRE 401, 402, 403, 408,
		802, 901, 1001, 1002
		37 C.F.R. § 42.1(b)
Ex. 1072	Annotated Being	FRE 106, 401, 402, 403,

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		37 C.F.R. § 42.1(b)
Ex. 1075	5-19-11 Letter	Foundation
		FRE 106, 401, 402, 403
		(see Institution Decision
		at pp. 6-7), 408, 802,
		901, 1001, 1002
		37 C.F.R. § 42.1(b)
Ex. 1076	Annotated 5-19-11	Foundation
	Letter	FRE 106, 401, 402, 403
		(see Institution Decision
		at pp. 6-7), 408, 802,
		901, 1001, 1002
		37 C.F.R. § 42.1(b)
Ex. 1077	Annotated 6-20-12	Foundation
	Letter	FRE 106, 401, 402, 403
		(see Institution Decision
		at pp. 6-7), 408, 802,
		901, 1001, 1002
E 1000		37 C.F.R. § 42.1(b)
Ex. 1080	3-16-11 Letter	Foundation
		FRE 106, 401, 402, 403
		(see Institution Decision
		at pp. 6-7), 408, 802, 901, 1001, 1002
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Ex. 1081	Claim Chart LL	37 C.F.R. § 42.1(b) Foundation
LA. 1001		FRE 106, 401, 402, 403,
		408, 802, 901, 1001,
		1002
		37 C.F.R. § 42.1(b)
Ex. 1082	3-10-11 Email	Foundation
		FRE 106, 401, 402, 403
		(see Institution Decision
		at pp. 6-7), 408, 802,
		901, 1001, 1002
		37 C.F.R. § 42.1(b)
Ex. 1083	Claim Chart Salsa	Foundation

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408, 802, 901, 1001, 1002           5           Ex. 1086           5-17-11 Letter           Foundation FRE 106, 401, 402, 403 (see Institution Decision at pp. 6-7), 408, 802, 901, 1001, 1002 37 C.F.R. § 42.1(b)           Ex. 1087           6-2-11 Letter           Foundation FRE 106, 401, 402, 403 (see Institution Decision at pp. 6-7), 408, 802, 901, 1001, 1002 37 C.F.R. § 42.1(b)           Ex. 1088           Complaint against MChic           FRE 401, 402, 403, 408, 802, 901, 1001, 1002 37 C.F.R. § 42.1(b)           Ex. 1089           4-6-09 Email           Foundation FRE 401, 402, 403, 408, 802, 901, 1001, 1002 37 C.F.R. § 42.1(b)           Ex. 1089           4-6-09 Email           Foundation FRE 401, 402, 403, 408, 802, 901, 1001, 1002 37 C.F.R. § 42.1(b)           Ex. 1090         MChic product label NChic product label           Foundation FRE 401, 402, 403, 408, 802, 901, 1001, 1002 37 C.F.R. § 42.1(b)           Ex. 1091         US6817034 Smilovic           Foundation FRE 401, 402, 403, 802, 901, 1001, 1002           Ex. 1092         1-16-07 Email           Foundation FRE 401, 402, 403, 408, 802, 901, 1001, 1002           Ex. 1093         Piccone Dep Transcript           FRE 401, 402, 403, 802,			FRE 106, 401, 402, 403,
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