

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TARGET CORPORATION

Petitioner

v.

DESTINATION MATERNITY CORPORATION

Patent Owner

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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)

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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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