

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

Case IPR2013-00531

Case IPR2013-00532

Case IPR2013-00533

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

PETITIONER'S OBJECTIONS TO EVIDENCE

PURSUANT TO 37 C.F.R. § 42.64(b)(1)

PETITIONER'S OBJECTIONS TO EVIDENCE

Pursuant to 37 C.F.R. § 42.64(b)(1), petitioner Target Corporation (“Target”) hereby objects to the admissibility and/or status as evidence of the exhibits and items set forth in the below tables, and contends that they are inadmissible based on the Federal Rules of Evidence (“FRE”) and/or are not evidence, are inadmissible, and/or are entitled to no weight based on the provisions of 37 C.F.R. §§ 42.63 *et seq.* and 42.65 *et seq.*

Exhibit No.	Title	Objection
2017 at ¶ 10	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 106, 402, 403, 702, 703, 802, 901, 1001, 1002
2017 at ¶ 11	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 106, 402, 403, 702, 703, 901, 1001, 1002 37 C.F.R. § 42.65 <i>et seq.</i> (purported expert testimony entitled to little or no weight due to non-disclosure or improper disclosure of underlying facts and/or data)
2017 at ¶ 14	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 16	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 17	Declaration of David Brookstein, Sc.D.	FRE 702, 703

Exhibit No.	Title	Objection
2017 at ¶ 18	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 19	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 106, 403, 702, 703, 802 37 C.F.R. § 42.65 <i>et seq.</i> (purported expert testimony entitled to little or no weight due to non-disclosure or improper disclosure of underlying facts and/or data)
2017 at ¶ 20	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 403, 702, 703, 802 37 C.F.R. §§ 42.51(b)(1)(iii), 42.65 <i>et seq.</i> (purported expert testimony entitled to little or no weight due to non-disclosure or improper disclosure of underlying facts and/or data)
2017 at ¶ 21	Declaration of David Brookstein, Sc.D.	FRE 106, 402, 403, 701, 702, 802, 901, 1001, 1002
2017 at ¶ 22	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 23	Declaration of David Brookstein, Sc.D.	FRE 106, 402, 403, 701, 702, 802, 901, 1001, 1002
2017 at ¶ 24	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 106, 402, 403, 701, 702, 802, 901, 1001, 1002

Exhibit No.	Title	Objection
2017 at ¶ 28	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 29	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 32	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 33	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 34	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 35	Declaration of David Brookstein, Sc.D.	FRE 702, 703
2017 at ¶ 36(A)	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 106, 702, 703, 901, 1001, 1002 37 C.F.R. § 42.65 <i>et seq.</i> (purported expert testimony entitled to little or no weight due to non-disclosure or improper disclosure of underlying facts and/or data)
2017 at ¶ 36(B)	Declaration of David Brookstein, Sc.D.	FRE 403, 702, 703
2017 at ¶ 40	Declaration of David	FRE 702, 703

Exhibit No.	Title	Objection
	Brookstein, Sc.D.	
2017 at ¶ 41	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 403, 702, 703, 901, 1001, 1002 37 C.F.R. § 42.65 <i>et seq.</i> (purported expert testimony entitled to little or no weight due to non-disclosure or improper disclosure of underlying facts and/or data)
2017 at ¶ 42	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 403, 702, 703, 901, 1001, 1002 37 C.F.R. § 42.65 <i>et seq.</i> (purported expert testimony entitled to little or no weight due to non-disclosure or improper disclosure of underlying facts and/or data)
2017 at ¶ 43	Declaration of David Brookstein, Sc.D.	37 C.F.R. § 42.63 <i>et seq.</i> (not evidence in these proceedings before the PTAB; purported evidence not filed as an exhibit) FRE 106, 403, 702, 703, 901, 1001, 1002 37 C.F.R. § 42.65 <i>et seq.</i> (purported expert testimony entitled to little or no weight due to non-disclosure or improper disclosure of underlying facts and/or data)
2017 at ¶ 44	Declaration of David Brookstein, Sc.D.	FRE 403, 702, 703
2017 at ¶ 45	Declaration of David Brookstein, Sc.D.	FRE 403, 702, 703
2017 at ¶ 46	Declaration of David Brookstein, Sc.D.	FRE 702, 703

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