

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 TARGET CORP.'S OBJECTIONS,
PURSUANT TO 37 C.F.R. § 42.64(b)(1), TO DOCUMENTS AND OTHER
ITEMS SERVED AND/OR IDENTIFIED BY DESTINATION MATERNITY
CORP. ON MAY 23 AND/OR MAY 27, 2014**

PETITIONER’S OBJECTIONS PURSUANT TO 37 C.F.R. § 42.64(b)(1)

Pursuant to 37 C.F.R. § 42.64(b)(1), petitioner Target Corp. (“Target”) hereby objects to the 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 are not evidence in these proceedings before the Patent Trial and Appeal Board (“PTAB”) and/or are inadmissible based on the provisions of 37 C.F.R. §§ 42.63 and 42.65.

Common Objection 1: Common Objection 1 applies to all documents and other items that DMC purported to serve, file, and/or identify on May 23 and/or May 27, 2014, but which should have been served, filed, and/or identified on Patent Owner’s May 5, 2014 due date (Due Date 1). At present, these items are not evidence in these proceedings or before the PTAB pursuant to 37 C.F.R. § 42.63(a), and are, or should have been, the subject of DMC’s motion pursuant to 37 C.F.R. § 42.123(b), which the PTAB has not yet decided. For purposes of clarity, this objection will be interposed in the table, below, as applicable, by stating “Common Objection 1.”

Exhibit No.	Title	Objection
2030	U.S. Patent 6,669,064	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2031	U.S. Patent 5,034,999	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label)

Exhibit No.	Title	Objection
		FRE 402, 403, 802, 901, 1001, 1002
2032	U.S. Patent 7,089,597	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2033	U.S. Patent 8,016,640	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2034	U.S. Patent 4,590,624	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2035	U.S. Patent Appl. Pub No. U.S. 2004/0210987 (Carney)	37 C.F.R. § 42.63(d) (exhibit does not include a label)
2036	Japanese Utility Model Patent No. 3,086,624 (Asada)	37 C.F.R. § 42.63(d) (exhibit does not include a proper label)
2037	Japanese Utility Model Patent No. 3,086,624 (Asada) Translated Version	37 C.F.R. § 42.63(d) (exhibit does not include a proper label)
2038	DMC 2006 10K	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2039	DMC 2008 10K	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2040	DMC 2009 10K	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2041	DMC 2012 10K	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label)

Exhibit No.	Title	Objection
		FRE 402, 403, 802, 901, 1001, 1002
2042	DMC 2013 10K	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) FRE 402, 403, 802, 901, 1001, 1002
2043	DMC0002838	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 402, 403, 802, 901, 1001, 1002
2044	DMC0003635	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 402, 403, 802, 901, 1001, 1002
2045	DMC0031917	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 402, 403, 802, 901, 1001, 1002
2046	DMC0037084	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 402, 403, 802, 901, 1001, 1002
2047	DMC0066466	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 402, 403, 802, 901, 1001, 1002
2048	DMC0119452	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 402, 403, 802, 901, 1001, 1002
2049	DMC0031997	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label)

Exhibit No.	Title	Objection
		Foundation FRE 402, 403, 802, 901, 1001, 1002
2050	http.www.motherhood.com-maternity-secret-fit-belly.asp	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 106, 402, 403, 802, 901, 1001, 1002
2051	http.www.motherhood.com-shop_motherhoodmaternity-secretfitbelly-testimonials.asp	Common Objection 1 37 C.F.R. § 42.6(d) (improper duplicate of exhibit 2050) 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 106, 402, 403, 802, 901, 1001, 1002
2052	http.www.destinationmaternity.com	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 106, 402, 403, 802, 901, 1001, 1002
2053	http://www.alvanon.com/assets/files/AlvaForm_Catalog_(v3.0)_12X27_[SOFT]_24APR2013.pdf	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 106, 402, 403, 802, 901, 1001, 1002
2054	UNDER SEAL Supplemental Declaration of Philip Green	<i>See Target's May 12, 2014 Objections to Exhibits 2022 and 2029, which are hereby incorporated by reference herein</i>
2055	REDACTED Supplemental Declaration of Philip Green	<i>See Target's May 12, 2014 Objections to Exhibits 2022 and 2029, which are hereby incorporated by reference herein</i>
2056	UNDER SEAL Secret Fit Belly Historical Sales & GM.xls	Common Objection 1 37 C.F.R. § 42.63(d) (exhibit does not include a label) Foundation FRE 402, 403, 702, 703, 802, 901, 1001,

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.