

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YAMAHA CORPORATION OF AMERICA
Petitioner

v.

BLACK HILLS MEDIA, LLC
Patent Owner

Case No. IPR2013-00594
U.S. Patent 8,050,652

**PATENT OWNER'S OBJECTIONS TO
EVIDENCE SUBMITTED WITH PETITIONER'S REPLY**

In accordance with 37 C.F.R. § 42.64, Patent Owner hereby objects to the following evidence that was submitted by Petitioner on August 12, 2014, with “Petitioner Yamaha Corporation of America’s Reply to Patent Owner Response” (“Petitioner’s Reply”) in the above-referenced proceeding involving U.S. Patent No. 8,050,652.

These objections are timely under 37 C.F.R. § 42.64(b)(1), as they are being served within five (5) business days of service of the Petitioner’s Reply, which was filed on August 12, 2014.

IPR2013-00594

Exhibit No.	Petitioner’s Description	Objection
1017	U.S. Patent Appl. No. US2004/0267899 (filed by assignee Microsoft Corp. on June 27, 2003)	FRE 401/402/403 (relevance) FRE 802 (hearsay) (untimely)
1018	U.S. Patent No. 6,728,729 (filed by assignee Apple Computer Inc. on April 25, 2003)	FRE 401/402/403 (relevance) FRE 802 (hearsay) (untimely)
1019	File history of U.S. Patent No. 6,502,194 to Berman (including April 16, 1999 application with original claim 15 on page 40)	FRE 401/402/403 (relevance) FRE 901 (authentication) (untimely)
1020	Declaration of Ivan Zatkovich, filed as Exhibit 2013 in CBM2013- 00004 on June 5,	FRE 401/402/403 (relevance)

	2013, with discussion of POSITA in ¶ 8	FRE 613(b) (witness not afforded to explain/deny testimony) (untimely)
1021	“Nomad Jukebox User Guide On-line Version” (Copyright © 2000 by Creative Technology Ltd.)	FRE 401/402/403 (relevance) FRE 802 (hearsay) FRE 901 (authentication) (untimely)

To the extent that Petitioner’s Reply contains new evidence and arguments that extend beyond the proper scope of a reply pursuant to 37 C.F.R. § 42.23(b) and that are not addressable in a motion to exclude evidence (*see, e.g.*, CBM2014-00034, Paper 11, p. 2), Patent Owner reserves its rights to raise such objections with the Board and/or move to expunge such evidence and arguments.

Dated: August 18, 2014

Respectfully submitted,
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CERTIFICATE OF SERVICE

I hereby certify that on August 18, 2014, a true and accurate copy of this paper, PATENT OWNER'S OBJECTIONS TO EVIDENCE SUBMITTED WITH PETITIONER'S REPLY, was served on the following counsel for Petitioner Yamaha Corp. of America via email:

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