

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NORMAN INTERNATIONAL, INC.
Petitioner

v.

HUNTER DOUGLAS INC.
Patent Owner

CASE IPR2014-01175
Patent No. 6,968,884

Before LINDA M. GAUDETTE, JAMES P. CALVE, and
HYUN J. JUNG, *Administrative Patent Judges*

**PETITIONER'S REPLY TO PATENT OWNER'S OPPOSITION TO
PETITIONER'S MOTION TO EXCLUDE EVIDENCE**

October 5, 2015

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EXHIBIT LIST

Norman Exhibit #	Brief Description
1001	U.S. Patent No. 6,968,884 B2 ("the 884 Patent")
1002	Japanese Patent Application Publication S54-38648 ("Tachikawa") Pages 1-4: English Translation Pages 5-8: Original Japanese Publication Page 9: Translator Certification
1003	U.S. Patent No. 3,327,765 ("Strahm")
1004	Great Britain Patent No. 1,174,127 ("Skidmore")
1005	U.S. Patent No. 1,870,532 ("Schuetz")
1006	U.S. Patent No. 2,390,826 ("Cohn")
1007	U.S. Patent No. 6,056,036 ("Todd")
1008	U.S. Patent No. 6,293,329 ("Toti")
1009	Declaration of Lawrence E. Carlson in Support of Petition for Inter Partes Review of U.S. Patent No. 6,968,884B2 ("Carlson Declaration on 884 Patent")

CASE IPR2014-01175 (Patent 6,968,884)
Petitioner's Reply in Support of Motion to Exclude

Norman Exhibit #	Brief Description
1010	Declaration of Patrick E. Foley in Support of Petition for Inter Partes Review of U.S. Patent No. 6,968,884B2 ("Foley Declaration on 884 Patent")
1011	Proof Of Service on July 16, 2013 of Summons in Civil Action No. 1:13-cv-01412-MSK-MJW (D. COLO.) ("Proof of Service")
1012	Declaration Of Sara Hare ("Hare Declaration")
1013	Declaration of Lawrence E. Carlson in Support of Petitioner's Reply to Patent Owner's Response of May 4, 2015
1014	Petitioner's Objections to Patent Owner's Evidence Submitted After Institution of a Trial under 37 C.F.R. § 42.64(b)(1) as served on Patent Owner on May 11, 2015
1015	Affidavit of Douglas L. Sawyer in support of Petitioner Norman International, Inc.'s Unopposed Motion for Pro Hac Vice Admission under 37 C.F.R. §42.10(c)

Pursuant to the Scheduling Order of February 10, 2015 (Paper 8), Petitioner timely submits its reply to Patent Owner's Opposition to Petitioner's Motion to Exclude (Paper 22).

I. PATENT OWNER DID NOT DEMONSTRATE THAT EXHIBIT 2001 IS ADMISSIBLE

A. Patent Owner Failed to Meet the Requirements of FRE 702

The party attempting to introduce an expert's testimony into evidence has the burden of proving admissibility under Federal Rule of Evidence 702 by a preponderance of the evidence. *See* Fed. R. Evid. 702, Advisory Committee Notes for 2000 Amendments (citing *Bourjaily v. United States*, 483 U.S. 171, 175, 178–79 (1987)). Patent Owner has failed to demonstrate that the testimony in Exhibit 2001 provides an expert opinion pursuant to FRE 702. Instead, Patent Owner rests on its assumption that Mr. Corey is a person of ordinary skill in the art. *See* Paper 22 at 2-3.

Patent Owner did not demonstrate Mr. Corey's scientific, technical, or other specialized knowledge. The testimony in Exhibit 2001 and the arguments in Patent Owner's papers only contain vague and conclusory statements that presume Mr. Corey's expertise. But a review of Mr. Corey's testimony reveals that Mr. Corey fails to identify any experience with or knowledge of the art at issue in this review. Ex. 2001 at ¶¶ 10, 26, 28 (describing background as a supervisor and technical

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