

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner

v.

CHESTNUT HILL SOUND INC.,  
Patent Owner

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Case IPR2016-00794  
U.S. Patent No. 8,090,309

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**PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE**

Pursuant to 37 C.F.R. § 42.64(b), Petitioner objects as follows to the

admissibility of the evidence served by Patent Owner on November 23, 2016:

Evidence	Objections
Exhibit 2008 ("Review: Chestnut Hill Sound George", allegedly by Macworld)	<b>FRE 801 (Hearsay):</b> To the extent Patent Owner relies on the document for the truth of the statements made therein, the statements are hearsay. For example, the statements regarding the alleged features and critical reception of the George™ system cited in the Patent Owner Response ("POR") are hearsay. <i>See, e.g.</i> , POR, p. 27.
Exhibit 2009 ("Chestnut Hill Sound George," allegedly by PCMag)	<b>FRE 801 (Hearsay):</b> To the extent Patent Owner relies on the document for the truth of the statements made therein, the statements are hearsay. For example, the statements regarding the alleged features and critical reception of the George™ system cited in the Patent Owner Response ("POR") are hearsay. <i>See, e.g.</i> , POR, pp. 27-28.
Exhibit 2014 ("Pl. First Amnd. Complaint")	<b>FRE 801 (Hearsay):</b> To the extent Patent Owner relies on the document for the truth of the statements made therein, the statements are hearsay. For example, the statements describing Petitioner's previous relationship to Patent Owner cited in the POR are hearsay. <i>See, e.g.</i> , POR, pp. 24-25, 28.  <b>FRE 901 (Authentication):</b> Patent Owner has failed to produce any evidence to show that this is an authentic copy of the document.
Exhibit 2015 (Chestnut Hill Sound Inc. v. Apple Inc., Pl. First Amnd. Complaint, No. 15-261-RGA (D. Del), Ex.1)	<b>FRE 801 (Hearsay):</b> To the extent Patent Owner relies on the document for the truth of the statements made therein, the statements are hearsay. For example, the statements regarding the commercial success of the George™ product

Evidence	Objections
	<p>cited in the POR are hearsay. <i>See, e.g.</i>, POR, pp. 1, 25, 26.</p> <p><b>FRE 402 (Relevance):</b> To the extent that Patent Owner relies on the exhibit to support any argument related to the '309 patent, the exhibit is not relevant because it describes the George™ product, and does not include any statements regarding the '309 patent.</p>
<p>Exhibit 2016 (Chestnut Hill Sound Inc. v. Apple Inc., Pl. First Amnd. Complaint, No. 15-261-RGA (D. Del), Ex.2)</p>	<p><b>FRE 801 (Hearsay):</b> To the extent Patent Owner relies on the document for the truth of the statements made therein, the statements are hearsay. For example, the statements regarding the commercial success of the George™ product cited in the POR are hearsay. <i>See, e.g.</i>, POR, pp. 1, 25, 26.</p> <p><b>FRE 402 (Relevance):</b> To the extent that Patent Owner relies on the exhibit to support any argument related to the '309 patent, the exhibit is not relevant because it describes the George™ product, and does not include any statements regarding the '309 patent.</p>

Respectfully submitted,

Dated: December 1, 2016

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