

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner

v.

CHESTNUT HILL SOUND INC.,
Patent Owner

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

PETITIONER'S OBJECTIONS TO ADMISSIBILITY OF EVIDENCE

Petitioner renews its objections served and filed on December 2, 2016 to the admissibility of the evidence served on November 23, 2016, which was again served on December 8, 2016 in connection with Patent Owner's filing its Patent Owner's Response. Thus, pursuant to 37 C.F.R. § 42.64(b), Petitioner objects as follows to the admissibility of the evidence:

Evidence	Objections
Exhibit 2008 ("Review: Chestnut Hill Sound George", allegedly by Macworld)	FRE 801 (Hearsay): To the extent Patent Owner relies on the exhibit or any part thereof 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)	FRE 801 (Hearsay): To the extent Patent Owner relies on the exhibit or any part thereof 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")	FRE 801 (Hearsay): To the extent Patent Owner relies on the exhibit or any part thereof 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. FRE 901 (Authentication): Patent Owner has failed to produce any evidence to show that this is an authentic copy of the documents.

Evidence	Objections
<p>Exhibit 2015 (Chestnut Hill Sound Inc. v. Apple Inc., Pl. First Amnd. Complaint, No. 15-261-RGA (D. Del), Ex.1)</p>	<p>FRE 801 (Hearsay): To the extent Patent Owner relies on the exhibit or any part thereof for the truth of the statements made therein, the statements are hearsay. For example, the statements regarding the commercial success of the Georgetm product cited in the POR are hearsay. <i>See, e.g.</i>, POR, pp. 1, 25, 26.</p> <p>FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit or any part thereof to support any argument related to the '309 patent, the exhibit is not relevant because it describes the GeorgeTM 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>FRE 801 (Hearsay): To the extent Patent Owner relies on the exhibit or any part thereof for the truth of the statements made therein, the statements are hearsay. For example, the statements regarding the commercial success of the Georgetm product cited in the POR are hearsay. <i>See, e.g.</i>, POR, pp. 1, 25, 26.</p> <p>FRE 402 (Relevance): To the extent that Patent Owner relies on the exhibit or any part thereof to support any argument related to the '309 patent, the exhibit is not relevant because it describes the GeorgeTM product, and does not include any statements regarding the '309 patent.</p>

Respectfully submitted,

Dated: December 14, 2016

/Joshua A. Griswold/
Joshua A. Griswold, Reg. No. 46,310
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022
T: 214-292-4034
F: 877-769-7945

Attorney for Petitioner

