

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,

Petitioner,

v.

III HOLDINGS 4, LLC,

Patent Owner

Case IPR2017-00781

Patent 8,654,999

Patent Owner Response

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Table of Exhibits

Exhibit No.	Document
2001	Comparison of the Petition arguments and Les Atlas Declaration for certain claim limitations
2002	Highlighted version of Les Atlas Declaration
2003	Expert Declaration of Clyde “Kip” Brown, Jr., P.E.
2004	CV of Clyde “Kip” Brown, Jr., P.E.
2005	Deposition Transcript of Les Atlas, September 27, 2017

I. Introduction

K/S HIMPP¹ (“HIMPP” or “Petitioner”) filed a Petition for *Inter Partes* Review on January 27, 2017, seeking review of claims 1-9 and 16-19 of U.S. Patent No. 8,654,999 (“the ’999 Patent”). On July 27, 2017, the Board instituted *Inter Partes* Review on claims 1–9 and 16-19 (“Decision”).

The ’999 patent addresses a system where the audiologist examines a patient to determine the final hearing correction that is required by the hearing aid. Based on this determination, a final hearing aid profile is determined. However, the patient is unable to accept a full implementation of the hearing correction when first using the hearing aid that is set to a fully corrected hearing aid profile (an abrupt, fully corrected profile can be “traumatic”). (Exh. 1001, ’999 patent at 1:58-59). Accordingly, the profile is incrementally improved to approach the fully corrected hearing aid profile. Exh. 2003, Brown Dec. at ¶ 18. The ’999 patent teaches that the use of incremental corrections applied in a sequence over a period of time allow a user to ease into the transition from uncompensated hearing to full

¹ Petitioner also listed certain of its members and affiliates as additional real parties in interest: GN Hearing A/S (formerly GN Resound A/S) and GN Store Nord A/S; IntriCon Corporation; Sivantos GmbH and Sivantos Inc.; Sonova Holding AG and Sonova AG (formerly Phonak AG); Starkey Laboratories, Inc. (aka Starkey Hearing Technologies); Widex A/S; and William Demant Holding A/S.

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