

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARONE, INC.,
Petitioner

v.

SHURE ACQUISITION HOLDINGS, INC.,
Patent Owner

Case IPR2019-00683
Patent No. 9,565,493

PATENT OWNER'S OBJECTIONS TO PETITIONER'S EXHIBITS

Pursuant to 37 C.F.R. § 42.64, Patent Owner submits the following objections to certain exhibits filed by Petitioner as Supplemental Information on November 7, 2019. *See* Paper 32. These objections are timely, having been filed within five business days of the Supplemental Information.

I. Exhibit 1025

Patent Owner objects to Exhibit 1025 under Federal Rules of Evidence (“FRE”) 702 and 703 for containing opinions that are conclusory and lacking sufficient explanation, and because Dr. Mullins is not qualified as an expert to opine on the activities of a person of ordinary skill in the art (POSITA) relevant to this proceeding. In paragraph 18 of Exhibit 1025, for example, Dr. Mullins opines on the activities of a POSITA and the resources that would have been available to a POSITA in the early 2000s. These opinions are conclusory, include no explanation, and are made by a declarant not qualified to render such opinions. For similar reasons, Dr. Mullins lacks personal knowledge of what a POSITA would have known or done, and thus Patent Owner also objects to Exhibit 1025 under FRE 602.

Patent Owner also objects to Exhibit 1025 under FRE 401-403 as irrelevant because the document fails to make any fact more or less probable, and because it is more prejudicial than probative, confuses the issues, and/or wastes time. For example, Dr. Mullins’s opinions in paragraph 18 of Exhibit 1025 regarding the

activities of a POSITA and the resources available to a POSITA are irrelevant, confuse the issue of public accessibility to the relevant public, are prejudicial, are confusing, and waste time in this proceeding.

II. Exhibits 1026-1038

Patent Owner objects to Exhibits 1026-1038 under FRE 401-403 as irrelevant because these documents fail to make a fact more or less probable, are more prejudicial than probative, confuse the issues, and/or waste time. Exhibits 1026-1038 are irrelevant because they fail to address whether a POSITA, under either Patent Owner's or Petitioner's formulation, would have known of and thought to consult Tiete (Ex. 1005) or "Sensors" at the relevant time. Since these documents are irrelevant under FRE 402, they are prejudicial under FRE 403 because they are intended to support a conclusion of "printed publication" status while being legally irrelevant on the issue.

Respectfully Submitted,

Dated: November 15, 2019

By: /Elliot C. Cook/

Elliot C. Cook

Reg. No. 61,769

Backup Counsel

Attorney for Patent Owner

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing **PATENT OWNER'S OBJECTIONS TO PETITIONER'S EXHIBITS** was served on November 15, 2019, via email directed to counsel of record for the Petitioner at the following:

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Date: November 15, 2019

/Lisa C. Hines/

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