

Petitioner's Objection to Patent Owner's Demonstrative Exhibits
IPR2023-01150 (U.S. Patent No. 9,843,853)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP
Petitioner

v.

BRAGI GmbH
Patent Owner

Case IPR2023-01150
U.S. Patent No. 9,843,853

**PETITIONER'S OBJECTION TO PATENT OWNER'S
DEMONSTRATIVE EXHIBITS**

Petitioner's Objection to Patent Owner's Demonstrative Exhibits
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Pursuant to the Board's October 22, 2024 Order Setting Oral Argument (Paper 34), Petitioner submits the below objection to Slide 42 in Patent Owner's demonstratives because it advances arguments not previously presented in the record. Petitioner has met and conferred in good faith with Patent Owner concerning Slide 42 and timely submits this unresolved objection. A copy of the objected-to Slide 42 is attached hereto as Exhibit A.

Slide 42: (Objected to in part.) Petitioner objects for the following reason: this slide advances two new arguments with respect to U.S. Patent No. 7,522,739 ("Rass") (Ex. 1028)—(1) "[n]o disclosure of biometrics" and (2) "[t]emperature sensor is not specific to body heat"—that do not appear in Patent Owner's Reply (Paper 37), either at the pages cited on Slide 42 or elsewhere in Patent Owner's Reply, or in any other paper filed by Patent Owner in this proceeding.

Respectfully submitted,

/Trishan Eram/

Trishan Eram

Registration No. 74,075

CERTIFICATE OF SERVICE

I hereby certify that on November 18, 2024, I caused a true and correct copy of the foregoing materials:

- Petitioner's Objection to Patent Owner's Demonstrative Exhibits

to be served via electronic mail by consent on counsel of record at:

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Respectfully Submitted

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APPENDIX A

U.S. Patent No. 7,522,739 ("Rass")

FIG. 1 shows a schematic diagram of an in-the-ear hearing aid I. It has a temperature sensor TS. When worm, the hearing aid I or its shell heats up. The temperature sensor TS registers this heat. Once a certain temperature threshold is exceeded, the device is switched on. If the temperature drops back to below a lower temperature threshold, the hearing aid I switches off again. This temperature-controlled switching on and off is also possible in principle with a single temperature threshold.

- No disclosure of biometrics
- Temperature sensor is not specific to body heat
- Rass is not one of Petitioner's prior art references

Rass at 2:63-3:2