

Petitioner's Objection to Patent Owner's Demonstrative Exhibits
IPR2023-01205 (U.S. Patent No. 10,397,688)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP
Petitioner

v.

BRAGI GmbH
Patent Owner

Case IPR2023-01205
U.S. Patent No. 10,397,688

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

Petitioner's Objection to Patent Owner's Demonstrative Exhibits
IPR2023-01205 (U.S. Patent No. 10,397,688)

Pursuant to the Board's December 17, 2024 Order Setting Oral Argument (Paper 33), Petitioner submits the below objection to Slide 46 in Patent Owner's demonstratives because it includes two excerpts from U.S. Patent No. 7,522,739 (Ex. 1035; Ex. 1033 in IPR2023-01204¹) ("Rass") that were not previously presented or discussed in the record. Petitioner has met and conferred in good faith with Patent Owner concerning Slide 46. During the meet and confer, Patent Owner admitted that there is no citation to these two excerpts from Rass in the record, but stated that it would not withdraw slide 46. Petitioner timely submits this unresolved objection. A copy of the objected-to Slide 46 is attached hereto in Appendix A.

Slide 46: (Objected to in part.) Petitioner objects for the following reason: this slide includes two excerpts from U.S. Patent No. 7,522,739 (Ex. 1035; Ex. 1033 in IPR2023-01204) ("Rass") that do not appear in Petitioner's Sur-Reply or in any other paper filed in this proceeding.

Respectfully submitted,

/Trishan Eram/

Trishan Eram

Registration No. 74,075

¹ Patent Owner's demonstratives apply to both IPR2023-01204 and IPR2023-01205, for which the Board has set combined oral arguments.

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2025, 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

PO's Substitute Claims Are Patentable Over Hain + Rass

Hain + Rass does not yield predictable results because their teachings are not combinable.

Petitioner's Surreply: Attorney Argument

Third, PO appears to contend that a temperature sensor

Hain's telephone mode. PO Reply argues that the magnetic field emitted...when [the t

causing "a wrong temperature reading

support or further explanation for how

a temperature sensor, other than citing

the Reply language verbatim. Ex-2000, 100. The

is irrelevant because at no point during this proceeding did I

telephone mode for its obviousness positions or otherwise.

United States Patent
Kass et al.

(16) Patent No.: US 7,522,739 B2
(45) Date of Patent: Apr. 21, 2009

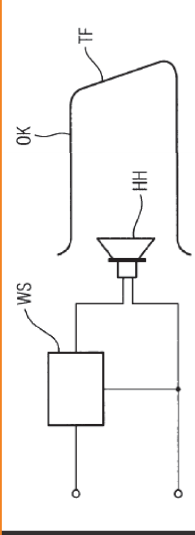
An automatic hearing aid switch is also known from the publication FR 27 0088 7 A3. This operates on a magnetic basis. If an object containing a magnet moves into the vicinity of the hearing aid, the hearing aid is switched accordingly.

(12) APP. NO. 101,408

SUMMARY OF INVENTION

The said sensors are however relatively expensive, sensitive to interference or require additional objects for switching purposes.

An object of the present invention is therefore to improve or simplify the automatic switching on and off of hearing aids.



Ex. 1033 (Rass); Petitioner Surreply at 6 – 01204