

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC AND
FREEDMAN ELECTRONICS PTY LTD,
Petitioners,

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00230

Patent 7,711,443

PETITIONERS' MOTION TO EXCLUDE PATENT OWNER'S EXHIBIT
NOS. 2131 AND 2132

Pursuant to 37 C.F.R. § 42.64(c) and the Patent Trial and Appeal Board's ("PTAB's") Consolidated Trial Practice Guide, Section II.K, Petitioners move to exclude Patent Owner's Exhibit Nos. 2131 and 2132 from the Board's consideration of the inventors' conception of the alleged invention, diligence toward reduction to practice, and reduction to practice, because they are irrelevant to those issues.¹ Petitioners timely objected to these exhibits in their September 15, 2025 Objections to Evidence Filed With Patent Owner's Response. Paper 24, at 54-55 (objecting to Exhibits 2131 and 2132 in part based on irrelevance).

I. Introduction

Patent owner relies on Exhibits 2131 and 2132, two Zaxcom User's Manuals from 2013, (1) as evidence of what inventor Glenn Sanders purportedly conceived and reduced to practice in 2005, and (2) to corroborate Mr. Sanders's testimony on conception and reduction to practice in 2005. Paper 23 ("POR") at 29 (alleging that 2005 device, which purportedly evidences conception and reduction to practice, is "described in the manual of Ex-2131"); Ex. 2029, ¶ 3 (same). But Zaxcom has provided no evidence that it was selling the products described in these 2013 manuals—the TRX900AA, TRX900LA, and TRX900LAS transmitters—eight

¹ The present motion is limited to Patent Owner's use of Exhibits 2131 and 2132 to support its allegations regarding conception, diligence, and reduction to practice. Petitioners do not move to exclude consideration of these exhibits for purposes of objective indicia of non-obviousness.

years earlier, in 2005. Thus, Exhibits 2131 and 2132 cannot serve as evidence of Mr. Sanders's conception, diligence, or reduction to practice in 2005.

II. Manuals describing Zaxcom's 2013 Products—the TRX900AA, TRX900LA, and TRX900LAS—Prove Nothing About Its 2005 Product—the TRX900

To support its contentions about what Mr. Sanders conceived and reduced to practice in 2005, Patent Owner cites a video from the 2005 NAB Conference depicting Mr. Sanders demonstrating a product called the TRX900. POR, at 29 (citing Ex. 2109A); *see also* Ex. 2109A, at 0:00:03-00:00:35 (displaying and discussing TRX900). But rather than providing a manual for the **TRX900** to show what features *it* had in 2005, Patent Owner relies on Exhibits 2131 and 2132, which are User's Manuals from 2013 that describe **different** products, the TRX900AA, TRX900LA, and TRX900LAS. POR, at 29 (contending that "the functionality of the TRX900 [is] described in the manual of Ex-2131"); Ex. 2029, ¶ 3 (same); Ex. 2155, ¶ 2-3; Ex 2131; Ex. 2132. In addition, to try to overcome the gaps in its evidence about the TRX900, Patent Owner conflates it with the 2013 products (the TRX900AA, TRX900LA, and TRX900LAS), referring to all of them as "the product...introduced in 2005." Ex. 2155, ¶ 2-3.

The inventor, Mr. Sanders, alleges that the 2013 products were the same as the 2005 product. Ex. 2029, ¶¶ 3, 8 ("[T]he functionality of the TRX900 [is] described in the manual of Ex-2131...."); Ex. 2155, ¶ 2-3 (testifying that the

TRX900AA and TRX900LA/LAS User’s Manuals describe “features [that] have not changed since *the product* was introduced in 2005”) (emphasis added). But that testimony is entirely uncorroborated. There is no other evidence that the TRX900 had the same features as the TRX900AA, TRX900LA, and TRX900LAS.

“It is well established that when a party seeks to prove conception via the oral testimony of a putative inventor, the party must proffer evidence corroborating that testimony....Evidence of the inventive facts must not rest alone on the testimony of the inventor himself.” *Singh v. Brake*, 317 F.3d 1334, 1340-41 (Fed. Cir. 2003). Here, it is a disputed fact whether the features of Zaxcom’s 2005 product—the TRX900—were the same as those of Zaxcom’s 2013 products—the TRX900AA, TRX900LA, and TRX900LAS. Since Mr. Sanders’s testimony on that factual issue is uncorroborated, it must be given no weight. Thus, the user manuals describing the 2013 products are irrelevant as a matter of law and must be excluded from consideration.

III. The 2013 User’s Manuals Cannot Corroborate Mr. Sanders’s Testimony About Conception, Diligence, and Reduction to Practice, Because They Were Created Eight Years Too Late

Exhibits 2131 and 2132 cannot corroborate Mr. Sanders’s testimony on conception, diligence, and reduction to practice, because the only connection between these 2013 manuals and what happened in 2005 is Mr. Sanders’s *uncorroborated testimony* that the 2005 and 2013 products had the same features.

Relying on Mr. Sanders's bare testimony about the similarity of the 2005 and 2013 products to corroborate his testimony about conception, diligence, and reduction to practice in 2005 would defeat the purpose of requiring corroboration.

IV. CONCLUSION

Since Exhibits 2131 and 2132 are irrelevant to, and cannot corroborate the inventor's testimony about, what happened in 2005, Petitioners respectfully request that the Board exclude these exhibits from its consideration of conception, diligence, and reduction to practice.

Dated: February 23, 2026

/ Jeffrey B. Plies /

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Counsel for Petitioner

CERTIFICATE OF SERVICE

I certify that today in:

RØDE Microphones, LLC., et al. v, Zaxcom, Inc., IPR2025-00230 (U.S. Patent 7,711,443)

I caused to be served a copy of:

Petitioners' Motion to Exclude Patent Owner's Exhibit Nos. 2131 and 2132

upon:

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Patent Owner agreed to have the above-listed counsel accept electronic service in its December 23, 2004 Mandatory Notices. *See* 37 CFR § 42.105(b) ("Upon agreement of the parties, service may be made electronically....").

Dated: February 23, 2026

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