

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K-40 ELECTRONICS, LLC
Petitioner,

v.

ESCORT, INC.
Patent Owner.

Case IPR2013-00203

Patent 7,999,721

PETITIONER'S OBJECTIONS TO DEMONSTRATIVES

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Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Pursuant to the Order for Oral Hearing of May 15, 2014, petitioner objects to the Patentees demonstrative submissions of June 10, 2014.

As outlined in more detail below, at least demonstratives 125, and 324 - 326 (IPR2013-00203) are improper.

Demonstrative 125 is a screen image allegedly referring to a "I26 South @ exit 6: Odometer 405 Real Police Radar Trap." The image appears to be offered in support of the patentee's antedating effort, and includes, a visual depiction of frequency characteristics of a particular radar signal and geographic location information. Heretofore, the patentee's antedating effort has not included any argument relative to this image, which is entirely new.

Demonstrative 324 is a drawing that shows what appears to be a tape recorder and a laptop computer displaying demonstrative 125, and an automobile with its odometer showing 405. The automobile in the photograph is shown passing exit 37. A red lightning bolt is shown between the tape recorder and the laptop computer. The red lightning bolt suggests that the tape recorder and the laptop computer could communicate directly with each other absent human intervention. There is nothing in evidence, nor was it ever argued that the tape

recorder and the laptop computer could directly communicate with each other without human intervention.

Demonstrative 325 is a drawing that shows three GPS satellites sending data to and receiving data from what appears to be the GPS antenna of demonstrative 131. The GPS antenna is shown connected to what appears to be a GPS module. The GPS module is shown inserted into the left side of a laptop computer. The laptop computer is also shown to be directly connected to what appears to be a radar detector. The above-discussed items are shown to be in an automobile that is passing exit 37. Demonstrative 325 includes depictions that are not in the record. For example, there is no evidence or argument in the record supporting that any radar detector was connected directly to a laptop computer via a cable.

Demonstrative 326 appears to be a Google streetview image of an automobile on a highway with various automobiles and surroundings. The streetview image is not of record. It is believed that the purpose of the demonstrative is to indicate that "Old Exit 6" is equivalent to "New Exit 37". There is no evidence or argument of record relating to such an equivalence.

Demonstratives 130 and 340 - 342 for the '905 patent (IPR2013-00240) are also improper.

K-40 ELECTRONICS, LLC
Petitioner's Objections to Demonstratives
IPR2013-00203
Patent 7,999,721

As indicated in the email sent to trials@uspto.gov on Thursday, June 12, 2014, the parties are available for a teleconference on Friday, June 13, 2014 between 9-11AM or after 3PM to address these issues.

Dated: June 12, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing PETITIONER'S
OBJECTIONS TO DEMONSTRATIVES was served on June 13, 2014, via UPS

Next Day Air, to the following:

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Date: June 13, 2014

/Scott A. McKeown /
Scott A. McKeown (Reg. No. 42,866)