

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALTRICS, LLC
Petitioner

v.

OPINIONLAB, INC.
Patent Owner

Case IPR 2014-00366¹
U.S. Patent 8,041,805

**PETITIONER'S RENEWED OBJECTIONS TO
PATENT OWNER'S DEMONSTRATIVES**

¹ Related cases: IPR2014-00420 (Patent 7,370,285) IPR2014-00356 (Patent 6,606,581) IPR2014-00406 (Patent 7,085,820), IPR2014-00421 (Patent 8,024,668)

On April 20, 2015, Petitioner Qualtrics, LLC objected to Patent Owner OpinionLab Inc.'s demonstratives because they (1) impermissibly raised new arguments and (2) did not contain citations to the record establishing that they do not present new arguments or evidence. On April 22, upon the Board's request, Patent Owner submitted updated demonstratives with certain citations to the record (and certain deletions to address Petitioner's objections).

Petitioner has reviewed Patent Owner's updated demonstratives and found that they continue to contain new argument. In particular, Petitioner renews its objections to three demonstrative slides as set forth below:

Slide	Patent Owner's Demonstratives for IPR2014-00420 ('285 Patent) and IPR2014-00421 ('668 Patent)
16	Petitioner renews its objection to the statements "No suggestion embodiments could or would be used together" and "Petitioner has provided no rationale for combination" because they are new arguments that were not previously raised by Patent Owner. (Cf. '285 Reply at 2 (citing Chisholm Reply Decl. at ¶¶ 14-15, 20; Shamos Dep. at 222:11-15) (discussing rationale for combination).)

Slide	Patent Owner's Demonstratives for IPR2014-00366 ('805 Patent), IPR 2014-00356 ('581 Patent), and IPR2014-00406 ('820 Patent)
16	Petitioner renews its objection to the statement "Petitioner <i>concedes</i> that its 'cited disclosure says nothing about how the resulting survey is displayed'" because (1) the quoted statement refers to Patent Owner's cited disclosure, not to Petitioner's; and (2) it is a new argument that was not previously presented by Patent Owner. (Cf. '805 Reply at 1-3.)

Slide	Patent Owner's Demonstratives for IPR2014-00366 ('805 Patent), IPR 2014-00356 ('581 Patent), and IPR2014-00406 ('820 Patent)
17	Petitioner renews its objection to the statements regarding CustomerSat's disclosure of a "Pop!Up questionnaire" and "'Pop!Up' is a marketing term" because they are new arguments that were not previously raised by Patent Owner. <i>See CBS Interactive</i> , IPR2013-00033, Paper 118 at 3 (Oct. 23, 2013) ("If certain testimony previously was not developed, discussed, or explained in a party's papers, it may not be developed, discussed, explained, or summarized, for the first time, in the form of demonstrative slides at final oral hearing.").

Finally, Petitioner renews its objection to Patent Owner's demonstratives to the extent they contain or rely upon the testimony of Patent Owner's expert, Dr. Shamos, that is the subject of Petitioner's pending motion to exclude.

Respectfully submitted,

Dated: April 22, 2015

By: /s/ Robert Steinberg

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CERTIFICATE OF SERVICE

Under 37 C.F.R. § 42.6(e) and the parties' agreement to electronic service on August 21, 2014, I certify that on April 22, 2015, a copy of:

**PETITIONER'S RENEWED OBJECTIONS TO
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was served by e-mail on Patent Owner's lead and backup counsel, as follows:

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