

Exhibit 7

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Paper 17
Date: April 9, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOBOTIX CORP.
Petitioner,

v.

e-WATCH, INC.
Patent Owner.

Case IPR2013-00499
Patent 7,228,429

Before JAMESON LEE, MICHAEL W. KIM, and MATTHEW R. CLEMENTS,
Administrative Patent Judge.

LEE, *Administrative Patent Judge.*

ORDER
Conduct of Proceeding
37 C.F.R. § 42.5

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Introduction

On February 25, 2014, Patent Owner requested a six-month extension of time for Due Dates 1-7 of this proceeding, which request was denied. Paper 16. On April 7, 2014, Patent Owner initiated a telephone conference call, requesting a six-week extension of Due Date 1, which was coming due on April 10, 2014. Counsel for Patent Owner explained that because of funding problems, Patent Owner was not yet able to retain an expert witness to provide declaration testimony needed for a Patent Owner Response.

Discussion

As we explained in the Order dated February 28, 2014 (Paper 16), under 35 U.S.C. § 316(a)(11), a final written decision must be issued no later than one year after the date the Director notices the institution of review, except that the Director may, for good cause shown, extend the one-year period by no more than six months. Not having sufficient resources generally does not constitute sufficient good cause to extend the one-year period specified in 35 U.S.C. § 316(a)(11).

We have, however, reviewed the current trial schedule to see what adjustments can be made to accommodate Patent Owner's request, and recognize the possibility of an 8-week extension without jeopardizing the one-year time period for rendering a final written decision. But it would be unfair to give Patent Owner alone the entirety of that time. An equitable division of that time would be 4 weeks for Patent Owner and 4 weeks for Petitioner. Nevertheless, it is Patent Owner who needs the time, not Petitioner. We asked Petitioner to evaluate whether it can, without prejudicing its own presentation, permit Patent Owner the larger share of that 8-week period. A discussion ensued between Patent Owner and Petitioner.

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In exchange for commitments from Patent Owner, including (1) no additional extensions of time will be requested by Patent Owner for the Patent Owner Response, (2) Patent Owner will rely on only a single expert declaration for the Patent Owner Response, limited to no more than 41 pages in length, and (3) Patent Owner will provide prompt access to the expert for cross-examination purposes, Petitioner agreed to split the 8-week period by giving 6 weeks to Patent Owner. We commend the parties for exploring common ground and ways to accommodate each other's needs. Petitioner was especially concerned about not having a reasonable opportunity to cross-examine Patent Owner's declaration witness. In that regard, Patent Owner should note that not providing reasonable opportunity for cross-examination of its declaration witness can be sufficient grounds for non-consideration or exclusion of the declaration.

Conclusion

It is

ORDERED that Due Dates 1-7 set in the Scheduling Order dated February 10, 2014 (Paper 14), are reset as follows:

Due Date 1:	May 22, 2014
Due Date 2:	August 5, 2014
Due Date 3:	September 5, 2014
Due Date 4:	September 26, 2014
Due Date 5:	October 10, 2014
Due Date 6:	October 17, 2014
Due Date 7:	October 23, 2014

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