

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIBERTY MUTUAL INSURANCE CO.  
Petitioner,

v.

PROGRESSIVE CASUALTY INSURANCE CO.  
Patent Owner.

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Case CBM2012-00003  
Patent 8,140,358

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Before JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

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

On September 27, 2013, a telephone conference call was held between  
respective counsel for the parties and Judges Lee, Chang, and Zecher.

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Counsel for the Patent Owner inquired about the requirements for filing observations on cross examination of Petitioner's reply declarant.

The Board advised counsel for Patent Owner to not treat observations on cross-examination as a "motion," but simply as an authorized submission with a page limit specially set by the Board in each case. The Board also noted that each observation should be no more than a few lines long and that generally three observations may fit on a single page. The Board confirmed that a copy of the pertinent portions of the cross-examination transcript should be provided, along with the observations, as an exhibit.

It is

**ORDERED** that observations on cross-examination and responses to observations are limited to 7 pages, but may be enlarged to 10 pages, if necessary, without need to seek further authorization from the Board.

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