

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.  
Petitioner

v.

SIGHTSOUND TECHNOLOGIES, LLC  
Patent Owner

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Case CBM2013-00023  
Patent 5,966,440

Before MICHAEL P. TIERNEY, JUSTIN T. ARBES, and  
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

ORDER  
Motion to Expunge and File Corrected Exhibits 2324 and 2375  
*37 C.F.R. § 42.7*

Patent Owner filed a Motion to Expunge and File Corrected Exhibits 2324 and 2375 in the instant proceedings. Paper 74. For the reasons explained below, we grant Patent Owner's motion.

Patent Owner states that it attempted to correct formatting issues in Exhibit 2324, which is the deposition transcript of David M. Schwartz, by filing a corrected version of Exhibit 2324 on January 24, 2014. The corrected version of Exhibit 2324 was labeled Exhibit 2355 and was filed by Patent Owner as supplemental evidence in response to Petitioner's First Set of Objections. *See* Notice of Supplemental Evidence, Paper 42 and Updated Exhibit List, Paper 43. The Board subsequently expunged Exhibit 2355 (the corrected version of Exhibit 2324). *See* Order on the Conduct of the Proceedings, Paper 61 at 6-7. Patent Owner now moves the Board to expunge the original Exhibit 2324, filed on January 3, 2014, and to enter a corrected version of Exhibit 2324, filed on April 18, 2014, which fixes the formatting issues in the original version.

Patent Owner filed Exhibit 2375, which is the deposition transcript of Lawrence Kenswil, in support of its Motion to Exclude. Paper 64. Patent Owner states that shortly after filing Exhibit 2375, Patent Owner received a revised transcript that corrected an inadvertent transcription error. Patent Owner moves the Board to expunge the incorrect version of Exhibit 2375 from the record and enter a corrected version of Exhibit 2375.

Petitioner does not oppose Patent Owner's Motion to expunge and file corrected Exhibits 2324 and 2375.

In consideration of the foregoing, it is hereby:

**ORDERED** that Patent Owner's motion is *granted*;

**FURTHER ORDERED** that Exhibit 2324, filed on January 3, 2014, is expunged from the record of the instant proceeding and Exhibit 2324, filed on April 18, 2014, shall replace the expunged exhibit; and

**FURTHER ORDERED** that Exhibit 2375, filed on April 4, 2014, is expunged from the record of the instant proceeding and Exhibit 2375, filed on April 18, 2014, shall replace the expunged exhibit.

Case CBM2013-00023

Patent 5,966,440

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