

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION  
Petitioner

v.

PROXYCONN, INC.  
Patent Owner

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Case IPR2012-00026  
Patent 6,757,717

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Before SALLY C. MEDLEY, SCOTT R. BOALICK, and THOMAS L.  
GIANNETTI, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

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

A telephone conference call in this matter was held on February 8,  
2013. The participants were Stephen J. Joncus, Esq. for the Petitioner,

Matthew L. Cutler, Esq. for the Patent Owner, and Administrative Patent Judges Sally C. Medley, Scott R. Boalick, and Thomas L. Giannetti.

The following matters were discussed:

1. Protective Order

The parties have agreed on a form of protective order based upon the default protective order appearing in the Office Trial Practice Guide. They have agreed upon a modification to the default order whereby certain financial information will not be shared with in-house counsel. The parties will submit the proposed order for approval by the Board.

2. Motions

Patent Owner sought authorization to file a motion for additional discovery of certain Microsoft sales data and related information. Petitioner opposes the request for additional discovery. The Board took the request under advisement. Based on the facts, the Board has determined to authorize briefing on this issue.

In consideration of the foregoing, it is, therefore,

**ORDERED** that Patent Owner is authorized to file a motion for additional discovery of Microsoft sales data and related information;

**FURTHER ORDERED** that Patent Owner's motion is due one week from the entry date of this Order, and is limited to ten pages;

**FURTHER ORDERED** that Patent Owner's motion will specifically identify the information sought and address the relevance of that

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information, including identifying the nexus between the information sought and the allegation of commercial success;

**FURTHER ORDERED** that Petitioner will have one week to oppose Patent Owner's motion, running from the filing date of the motion;

**FURTHER ORDERED** that Petitioner's opposition is limited to ten pages;

**FURTHER ORDERED** that a reply by Patent Owner is not authorized at this time.

BY ELECTRONIC TRANSMISSION

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