

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**EMC CORPORATION AND VMWARE, INC.**  
Petitioner,

v.

**PERSONALWEB TECHNOLOGIES, LLC.**  
Patent Owner.

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Case IPR2013-00083 (JYC)  
Patent 6,415,280

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Before KEVIN F. TURNER, JONI Y. CHANG, and MICHAEL R. ZECHER,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

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

On April 8, 2013, a telephone conference call was held involving:

1. Peter Dichiara, David Cavanaugh, and Cynthia Vreeland, Counsel for Petitioner (“EMC”);
2. Joseph Rhoa and Updeed (Mickey) Gill, Counsel for Patent Owner (“PersonalWeb”); and
3. Kevin Turner, Joni Chang, and Michael Zecher, Administrative Patent Judges.

EMC initiated the call to discuss the possibility of submitting supplemental briefing on the publication issue raised by PersonalWeb in its patent owner preliminary response (Paper 14).

PersonalWeb opposed and pointed out that the Board rules applicable to *inter partes* review do not provide for a petitioner’s reply to a patent owner’s preliminary response. PersonalWeb further asserted that submitting supplemental information under 37 C.F.R § 42.123 before institution would be inappropriate.

Upon consideration of the parties’ discussion, the Board determined that supplemental briefing was not necessary prior to its decision on institution. Thus, the Board declined to exercise its discretion to allow submission of the supplemental briefing.

IPR2013-00083  
Patent 6,415,280

PETITIONER:

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