

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY CORPORATION  
Petitioner,

v.

YISSUM RESEARCH DEVELOPMENT COMPANY  
OF THE HEBREW UNIVERSITY OF JERUSALEM  
Patent Owner

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Cases IPR2013-00218 (Patent 6,665,003 B1)  
IPR2013-00219 (Patent 7,477,284 B2)<sup>1</sup>

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Before SALLY C. MEDLEY, KARL D. EASTHOM, and JAMES B. ARPIN,  
*Administrative Patent Judges.*

MEDLEY, *Administrative Patent Judge.*

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

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<sup>1</sup> IPR2013-00326 has been joined with IPR2013-00218 and IPR2013-00327 has been joined with IPR2013-00219. This order addresses a single issue raised in both cases. We exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

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IPR2013-00219 (Patent 7,477,284 B2)

On October 23, 2013, the initial conference call<sup>2</sup> was held between counsel for the respective parties and Judges Medley, Easthom, and Arpin.

#### *Motions List*

In preparation for the initial call, both parties filed a list of proposed motions in each proceeding. Papers 21 and 22.<sup>3</sup> Counsel for Patent Owner confirmed that Patent Owner does not seek authorization to file any motions at this time.

As discussed, if Patent Owner determines that it will file a motion to amend, Patent Owner must arrange a conference call soon thereafter with the Board and opposing counsel to discuss the proposed motion to amend.

#### *Motion to Exclude*

On its list, Petitioner indicates that it may file a motion to exclude. Paper 22 at 1.

The parties were reminded that a motion to exclude is available to a party wishing to challenge the admissibility of evidence and to preserve an objection made previously. *See Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48767 (Aug. 14, 2012). A party following these guidelines may file a motion to exclude without prior authorization from the Board. The rule specifies as much and explains that a motion to exclude must identify the objections in the record and

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<sup>2</sup> The initial conference call is held to discuss the Scheduling Order and any motions that the parties anticipate filing during the trial. *Office Patent Trial Practice Guide*, 77 Fed. Reg. 48756, 48765 (Aug. 14, 2012).

<sup>3</sup> The motions lists are identical for the two cases. For purposes of this order, we

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must explain the objections. 37 C.F.R. § 42.64(c). Therefore, no authorization at this time is required.

*Motion to Submit Supplemental Information*

Petitioner seeks authorization to file a motion to submit supplemental information. Paper 22 at 1. Counsel for Petitioner explained that one of Petitioner's witnesses, Dr. Kouichi Matsuda, may not be available for cross-examination. Due to that uncertainty, Petitioner seeks to submit testimony from Prof. Kenichi Okada to provide similar testimony as that of Dr. Matsuda as to the public accessibility of Kawakita — a reference at issue in the trial.

As discussed, the request is premature. Patent Owner may not challenge the public accessibility of Kawakita in its patent owner response. Accordingly, there may be no occasion to cross-examine Dr. Matsuda. For these reasons, Petitioner is not authorized to file a motion to submit supplemental information at this time.

*Schedule*

Counsel for the respective parties indicated that they have no issues with the Scheduling Order entered September 23, 2013.

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reference papers filed in IPR2013-00218.

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*Settlement*

There was no report of settlement.

*Order*

It is

ORDERED that no motions are authorized at this time.

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