

By: Daniel W. McDonald (dmcDonald@merchantgould.com)
Merchant & Gould P.C.
3200 IDS Center
80 South 8th Street
Minneapolis, MN 55402
Tel: (612) 332-5300
Fax: (612) 332-9081

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARDIOCOM, LLC
Petitioner

v.

ROBERT BOSCH HEALTHCARE SYSTEMS, INC.
Patent Owner

Case IPR2013-00451
Patent 7,587,469

**UNOPPOSED MOTION TO EXPUNGE AND FILE
CORRECTED DECLARATION RESPONDING TO BOSCH
CONTENTIONS BY ROBERT T. STONE, PH.D REGARDING U.S.
PATENT NO. 7,587,469 UNDER 37 C.F.R. § 42.63(a)**

I. RELIEF REQUESTED

Pursuant to 37 C.F.R. § 42.22(a)(1) and for the reasons set forth below, Cardiocom, LLC (“Petitioner”) respectfully: (1) requests the Board expunge the Declaration Responding To Bosch Contentions By Robert T. Stone, Ph.D. Regarding U.S. Patent No. 7,587,469 Under 37 C.F.R. § 42.63(a) (“Stone Declaration”), Exhibit 1022, filed on June 10, 2014, from the record; and (2) files in its place a Corrected Stone Declaration.

II. STATEMENT OF MATERIAL FACTS

1. Petitioner filed the Declaration Responding To Bosch Contentions By Robert T. Stone, Ph.D. Regarding U.S. Patent No. 7,587,469 Under 37 C.F.R. § 42.63(a) on June 10, 2014.

2. A clerical error in the Stone Declaration Reply was identified after it was filed.

3. Petitioner contacted Counsel for Patent Owner informing them of the error. Counsel for Patent Owner stated that they would not oppose the present Motion.

4. On July 7, 2014, the Petitioner emailed the Board, requesting authorization to file this Unopposed Motion to Expunge and File a Corrected Declaration Responding To Bosch Contentions By Robert T. Stone, Ph.D. Regarding U.S. Patent No. 7,587,469 Under 37 C.F.R. § 42.63(a).

5. On July 7, 2014, the Board authorized such a filing in an email to Dan McDonald, the lead counsel for Petitioner.

6. Petitioner submits herewith, as an attachment to the present Motion, the Corrected Declaration Responding To Bosch Contentions By Robert T. Stone, Ph.D. Regarding U.S. Patent No. 7,587,469 Under 37 C.F.R. § 42.63(a) (“Corrected Stone Declaration”) for filing into the record should the Board grant the present Motion.

7. Petitioner certifies that the Corrected Stone Declaration only replaces an incorrect citation to “Ex. 2008” with the correct citation to “Ex. 2011.”

III. STATEMENT OF THE REASONS FOR RELIEF REQUESTED

Petitioner files the present Motion in accordance with the Board’s email authorization dated July 7, 2014. The Corrected Stone Declaration serves to clarify and complete the record before the Board and does not introduce new material into the proceeding. For the foregoing reason, Petitioner respectfully: (1) requests that the Board expunge the Stone Declaration, Exhibit 1022 from the record; and (2) files in its place the Corrected Stone Declaration.

Respectfully submitted,
MERCHANT & GOULD P.C.

Date: July 15, 2014

/Daniel W. McDonald/
Daniel W. McDonald, Reg. No. 32,044
Attorneys for Petitioner Cardiocom, LLC

Certification of Service

Pursuant to 37 C.F.R § 42.6(e), the undersigned hereby certifies that a copy of this **UNOPPOSED MOTION TO EXPUNGE AND FILE A CORRECTED DECLARATION RESPONDING TO BOSCH CONTENTIONS BY ROBERT T. STONE, PH.D. REGARDING U.S. PATENT NO. 7,587,469 UNDER 37 C.F.R. § 42.63(A)** has been served on July 15, 2014, by email on counsel of record for the patent owner at the following name and address:

Don Daybell (ddaybell@orrick.com)
Davin M. Stockwell (dstockwell@orrick.com)
Bas de Blank (basdeblank@orrick.com)
Lillian Mao (lmao@orrick.com)
BoschvCardiocom-IPRServiceList@orrick.com
D2DPTABDocket@orrick.com
ORRICK, HERRINGTON, &
SUTCLIFFE LLP
2050 Main St., Suite 1100
Irvine, CA 92614
Tel: 949-567-6700
Fax: 949-567-6710

Respectfully submitted,

Date: July 15, 2014

/Daniel W. McDonald/
Daniel W. McDonald (Lead Counsel)
USPTO Registration No. 32,044