

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONOPCO, INC. d/b/a UNILEVER
Petitioner

v.

THE PROCTER & GAMBLE COMPANY
Patent Owner

Case IPR2013-00509
Patent 6,451,300

JOINT MOTION TO ADJUST THE SCHEDULING ORDER

Mail Stop "PATENT BOARD"
Patent Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

Patent Owner The Procter & Gamble Company (“P&G”) and Petitioner Conopco, Inc. d/b/a Unilever (“Unilever”) jointly move the Patent Trial and Appeal Board (“the Board”) to adjust the scheduling order as provided below.

On February 12, 2014, the Board entered a Scheduling Order in this proceeding. (Paper 11.)

On March 12, 2014, Unilever filed a Petition for Inter Partes Review and a Motion for Joinder in IPR2014-00507.

On April 10, 2014, the Board held a conference call with the parties to discuss, *inter alia*, scheduling of the two proceedings. During the conference call, the Board suggested that the parties agree to a joint proposed schedule.

On April 21, 2014, the Board held another conference call with the parties. The parties informed the Board that they had reached an agreement on the joint proposed schedule below.

The proposed schedule promotes efficiency and the just, speedy, and inexpensive resolution of the proceedings by allowing for a single deposition, rather than multiple depositions, of witnesses. *See Ariosa Diagnostics v. Isis Innovation Ltd.*, Case IPR2012-00022, Paper 39, Order Conduct of the Proceeding, at 2 (P.T.A.B. May 28, 2013). The proposed schedule further promotes efficiency because, should the Board institute trial in IPR2014-00507 and join that trial with

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this one, the parties will file only one set of briefs, rather than two. Likewise, in that circumstance, the Board will only need to issue one final decision.

In addition, the proposed date for Due Date 7 is only six weeks beyond that previously set forth in the original Scheduling Order. Such an extension would allow for a final written decision within one year from institution should the Board not institute trial in IPR2014-00507, or should the Board not join the proceedings.

See id.

WHEREFORE, the parties respectfully request that the Board grant the parties' joint motion and enter the proposed schedule below.

JOINT PROPOSED SCHEDULE

Patent Owner’s Opposition to Motion for Joinder..... TBD with Board input

Petitioner’s Reply to Opposition to Motion for Joinder..... TBD with Board input

Patent Owner’s Preliminary Response for IPR2014-00507.....~~June 20, 2014~~

May 26, 2014

Decision on Institution of Trial for IPR2014-00507...Date convenient for the Board

Approx. Week of June 30, 2014

DUE DATE 1~~May 12, 2014~~

Patent owner’s response to the petition August 19, 2014

Patent owner’s motion to amend the patent

DUE DATE 2~~August 12, 2014~~

Petitioner’s reply to patent owner response to petition October 20, 2014

Petitioner’s opposition to motion to amend

DUE DATE 3~~September 12, 2014~~

November 5, 2014

Patent owner’s reply to petitioner’s opposition to motion to amend

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DUE DATE 4.....~~October 3, 2014~~

Petitioner's motion for observation regarding November 26, 2014

cross-examination of reply witness

Motion to exclude evidence

Request for oral argument

DUE DATE 5.....~~October 17, 2014~~

Patent owner's response to observation December 3, 2014

Opposition to motion to exclude

DUE DATE 6.....~~October 24, 2014~~

Reply to opposition to motion to exclude December 10, 2014

DUE DATE 7.....~~November 7, 2014~~

Oral argument (if requested) December 19, 2014

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