

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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TARGET CORPORATION,  
Petitioner,

v.

DESTINATION MATERNITY CORPORATION,  
Patent Owner.

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Case IPR2013-00533<sup>1</sup>  
Patent No. RE43,531 E

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Filed: February 27, 2015

Before MICHAEL P. TIERNEY, LORA M. GREEN, JONI Y. CHANG,  
THOMAS L. GIANNETTI, JENNIFER S. BISK,  
MICHAEL J. FITZPATRICK, and MITCHELL G. WEATHERLY,  
*Administrative Patent Judges.*

**PETITIONER'S NOTICE OF PROPOSED MOTIONS**

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<sup>1</sup> Case IPR2014-00509 has been joined with this proceeding.

In accordance with the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765-66 (Aug. 14, 2012), Petitioner, Target Corporation (“Petitioner”), submits the following list of proposed motions it currently is considering filing in this proceeding. An initial conference call with the Board is scheduled for Monday, March 2, 2015, at 1:00 p.m. E.T.

On February 26, 2015, the parties to this proceeding jointly submitted to the Board, by e-mail, a proposed expedited schedule to be discussed during the March 2 conference call. The parties’ proposal anticipates that, subject to the caveats stated in the parties’ e-mail, there will not be a need for any due dates beyond due date 2 (Petitioner’s reply to Patent Owner’s response to the petition). The parties’ proposal requests, however, that the Board set a telephonic status to occur shortly after due date 2 for the purpose of making a final determination, in light of the papers of record at that time, regarding whether any due dates beyond due date 2 will be necessary. Therefore, excluding at least item 4, below, Petitioner presently anticipates that it will pursue the motions proposed herein only in the event that the schedule in this proceeding ultimately includes any pertinent deadline(s) after due date 2.

The following list is provided without prejudice to Petitioner's right to seek authorization to file additional motions or to decide not to file the motions listed.<sup>2</sup>

Petitioner's proposed motions are as follows:

1. A motion regarding a revised scheduling order pursuant to 37 C.F.R. § 42.51;
2. A motion to exclude evidence pursuant to 37 C.F.R. § 42.64(c) based on the grounds set forth in Petitioner's Objections to Exhibits Pursuant to 37 C.F.R. § 42.64(b)(1), which Petitioner served on Patent Owner on February 27, 2015;
3. A motion to submit supplemental information under 37 C.F.R. § 42.123 related to, for example, some or all of the deposition transcripts, and the exhibits thereto, filed in any of the following related proceedings: IPR2013-00530, IPR2013-00531, and/or IPR2013-00532, as well as other transcripts of depositions and associated exhibits created during the course of the concurrent (but presently stayed) litigation involving the challenged patent, *Destination Maternity Corp. v. Target Corp., et al.*, Case No. 2:12-cv-05680-AB, pending in the U.S. District Court for the Eastern District of Pennsylvania;

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<sup>2</sup> "Submission of a list [of proposed motions] would not preclude the filing of additional motions not contained in the list." Office Patent Trial Practice Guide, 77 Fed. Reg. 48756, 48765.

4. A motion to seal regarding confidential information pursuant to 37 C.F.R. §§ 42.14 and 42.54;

5. A motion requesting an oral hearing pursuant to 37 C.F.R. § 42.70(a);  
and

6. A motion for discovery or for additional discovery pursuant to 37 C.F.R. § 42.51.

Dated: February 27, 2015

By: /R. Trevor Carter/  
R. Trevor Carter (Reg. No. 40,549)

## CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I hereby certify that I caused a true and correct copy of the foregoing **Petitioner's Notice of Proposed Motions** to be served via e-mail, as a PDF file attachment, on February 27, 2015, on the following:

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Dated: February 27, 2015

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