

Paper No. 14
Date: March 11, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARGET CORPORATION,
Petitioner

v.

DESTINATION MATERNITY CORPORATION,
Patent Owner

Case IPR2013-00533
Patent RE43,531 E

Before JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and
MITCHELL G. WEATHERLY *Administrative Patent Judges*.

**NOTICE OF PROPOSED MOTIONS
BY PETITIONER TARGET CORPORATION**

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. This 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.¹ An initial conference call with the Board is scheduled for Thursday, March 13, 2014, at 1:00 p.m. E.T. Petitioner’s proposed motions are as follows:

1. A possible 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 March 3, 2014;

3. A motion to submit supplemental information under 37 C.F.R. § 42.123 related to, for example, some or all of the exhibits pertaining to the deposition transcripts filed in this proceeding on January 10, 2014 pursuant to the Board’s Order of the same date, as well as other transcripts of depositions and associated exhibits created during the course of the concurrent litigation involving

¹ “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.

the challenged patent, *Destination Maternity Corp. v. Target Corp., et al.*, Case No. 2:12-cv-5680-AB, pending in the U.S. District Court for the Eastern District of Pennsylvania;

4. A possible motion to seal and/or for a protective order regarding confidential information pursuant to 37 C.F.R. §§ 42.14, 42.54, and 42.55;

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

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

7. A possible motion seeking to consolidate the present proceeding, pursuant to 37 C.F.R. § 42.122(a), with the related proceeding pertaining to the challenged patent (IPR2013-00532), which the Board instituted on the same date as the present proceeding.

Further, Petitioner notes that it intends to file an additional petition seeking *inter partes* review of claims of the challenged patent, along with a motion for joinder, pursuant to 37 C.F.R. § 42.122(b), seeking to join the additional petition with the present proceeding. Petitioner first informed Patent Owner of Petitioner's additional petition and associated motion for joinder by telephone and e-mail correspondence on February 27, 2014.

FAEGRE BAKER DANIELS LLP

Dated: March 11, 2014

By: /s/ Norman J. Hedges
Norman J. Hedges
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CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.105, I hereby certify that I caused a true and correct copy of the foregoing *Notice of Proposed Motions by Petitioner Target Corporation* to be served via email on March 11, 2014 on the foregoing:

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FAEGRE BAKER DANIELS LLP

Dated: March 11, 2014

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