

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DELL INC., HEWLETT-PACKARD COMPANY, and NETAPP, INC.  
Petitioners

v.

ELECTRONICS AND TELECOMMUNICATIONS RESEARCH  
INSTITUTE  
Patent Owner

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Case IPR2013-00635  
Patent 6,978,346 B2

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Before BRIAN J. McNAMARA, MIRIAM L. QUINN, and  
GREGG I. ANDERSON, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceedings  
*37 C.F.R. § 42.5*

An initial conference call in the above proceeding was held on April 22, 2014 between respective counsel for Petitioners and Patent Owner, and Judges Quinn, McNamara, and Anderson. The purpose of the call was to discuss any proposed changes to the Scheduling Order (Paper 20) and any motions the parties intend to file. The parties filed their respective list of motions prior to the call. (Papers 22, 23). With regard to the Scheduling Order, neither party stated issues with the dates. As for motions, the following issues were discussed.

*Motion to Amend*

Patent Owner stated that it may file a motion to amend. As discussed during the call, the parties should note the guidance regarding motions to amend provided in the Board's decisions including Case IPR2012-00027, Paper 26 ("*Idle Free*"), and more recently in Case IPR2013-00419, Paper 32. Patent Owner shall arrange a conference call no later than two weeks before the deadline to file the motion to amend to discuss the proposed motion to amend. *See* 37 C.F.R. § 42.121(a).

*Motions to Exclude*

The parties indicated that they may file motions to exclude. The parties are 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 must explain the objections. 37 C.F.R. § 42.64(c). Therefore, no authorization at this time is required.

*Settlement*

There was no report of settlement.

*Order*

It is

ORDERED that no motions are authorized at this time.

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