

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

IRON DOME LLC,
Petitioner,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2014-00439
Patent 7,365,871 B2

Before JAMESON LEE and GREGG I. ANDERSON,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

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

On January 16, 2015, we issued an Order giving Patent Owner until January 22, 2015, to provide its witness, Mr. Winston Ninh, for cross-examination by Petitioner, stating that pursuant to a conference call held on January 15, 2015, counsel for Patent Owner agreed that if Mr. Winston Ninh is not made available by January 22, 2015, then the declaration of Winston Ninh will not be considered by the Board. Paper 31. On January 20, 2015, counsel for Patent Owner requested a telephone conference call. The request for a conference call suggested that Patent Owner did not “agree” that the declaration of Mr. Ninh will not be considered should Mr. Ninh not be made available for cross-examination by January 22, 2015.

A telephone conference call was held on January 20, 2015. The participants were respective counsel for the parties and Judges Lee and Anderson. During the conference call, counsel for Patent Owner, Robert Curfiss, stated he no longer contends that he does not “agree” with the conditions for use of the declaration of Mr. Ninh but, instead, indicated that we misunderstood the request for a conference call. Mr. Curfiss requested that Patent Owner be allowed until January 27, 2015, to provide Mr. Ninh for cross-examination. Mr. Curfiss acknowledged and agreed that if, by January 27, 2015, the witness is not made available for cross-examination by Petitioner, then the declaration of Mr. Ninh will not be considered by the Board. Counsel for Petitioner agreed to the postponement of the deadline for making Mr. Ninh available for cross-examination, from January 22, 2015, to January 27, 2015, with the understanding that if the witness is not made available for cross-examination by January 27, 2015, then the declaration of Mr. Ninh will not be considered by the board. We approved the proposal of counsel for Patent Owner, and agreed to by counsel for Petitioner.

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It is

ORDERED that the deadline for Patent Owner's providing Mr. Ninh for cross-examination is extended from January 22, 2015, to January 27, 2015, and that if Patent Owner is unable to abide by this extended deadline, then Mr. Ninh's declaration (Exhibit 2015) will not be considered by the Board.

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