

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

Before JAMESON LEE, GREGG I. ANDERSON, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On July 9, 2014, Petitioner filed a Reply to Preliminary Response (Paper 11) and a Motion to Exclude (Paper 12).

Our rules do not contemplate or authorize the filing of a reply to a preliminary response. If a party desires to file such a reply, it would have to seek prior authorization from the Board. Likewise, a motion will, generally, not be entered without prior Board authorization. 37 C.F.R. § 42.20(b). “Motions where authorization is automatically granted, without a conference with the Board, include requests for rehearing, observations on cross-examination, and motions to exclude evidence.” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,762-63 (Aug. 14, 2012); *see also* 37 C.F.R. § 42.64(c). However, parties are preauthorized to file motions to exclude only after a trial has been instituted and a Scheduling Order has been issued. “*Once the time for taking discovery in the trial has ended, the parties will be authorized to file motions to exclude evidence believed to be inadmissible.*” Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,758 (Aug. 14, 2012) (emphasis added); *see also id.* at 48,763 (“The Board expects that the Scheduling Order will preauthorize and set times for the filing of . . . motions to exclude evidence based on inadmissibility.”).

Petitioner neither requested nor received authorization to file its Reply to Preliminary Response or its Motion to Exclude. Because the papers are unauthorized, they are expunged.

Order

It is ORDERED that Petitioner’s Reply to Preliminary Response (Paper 11) and a Motion to Exclude (Paper 12) are expunged.

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