

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

HTC CORPORATION and HTC AMERICA, INC.,  
Petitioner,

v.

E-WATCH, INC. and E-WATCH CORPORATION,  
Patent Owner.

---

Case IPR2014-00989  
Patent 7,643,168 B2

---

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

ANDERSON, *Administrative Patent Judge.*

Order  
Conduct of Proceeding  
*37 C.F.R. § 42.5*

On January 8, 2015, an initial conference call was held. The participants were Bing Ai and Cheng Ko for HTC Corporation and HTC America, Inc. (“Petitioner”), Robert Curfiss and David Simmons for e-Watch, Inc. and e-Watch Corporation (“Patent Owner”), and Judges Lee, Anderson, and Clements. The following matters were specifically discussed.

1. Scheduling Order and Potential Joinder

Patent Owner’s counsel advised us that “Samsung” has filed a petition for *inter partes* review of US Patent No. 7,643,168 and has moved to join that case, IPR2015-00543 (“’543 case”), with this case. Petitioner’s counsel indicated it would likely oppose joinder. If the cases are joined, Patent Owner’s counsel raised a concern about meeting the deadline for filing Patent Owner’s Response, Due Date 1 in the Scheduling Order (Paper 7).

At the present time, neither party has any changes to the Scheduling Order in this case. Should the ‘543 case be joined, we will consider whether the current Scheduling Order needs to be revised.

2. Discovery

No initial disclosures have been exchanged.

Routine discovery was discussed. The parties are directed to the Trial Practice Guide Section F.1 as it relates to routine discovery. The parties were specifically advised that routine discovery requires production of relevant inconsistent information.

3. Protective Order

No protective order has been entered in these proceedings. If it is decided that a protective order is necessary, the parties are directed to the default Standing Protective Order, Office Patent Trial Practice Guide, 77

IPR2014-00989  
Patent 7,643,168 B2

Fed. Reg. 48,756, App. B Aug. 14, 2012).

#### 4. Motions

Petitioner filed a list of proposed motions. Some of the listed motions are preauthorized by rule and none reflect a motion currently being contemplated by Petitioner. Patent Owner did not have any motions for our consideration. No specific motions were discussed and none are authorized at this time.

The parties were advised of the need to obtain authorization for the filing of motions. 37 C.F.R. § 42.20(b). If the need for a motion arises, the party seeking to file the motion should arrange a call with the Board by email request to [Trials@uspto.gov](mailto:Trials@uspto.gov). Other information on contacting the Board is available at <http://www.uspto.gov/ip/boards/bpai/prps.jsp>.

Patent Owner does not anticipate filing a motion to amend. Should Patent Owner decide to file a motion to amend, the Board should be contacted a week or two prior to filing to receive guidance from the Board for filing a motion to amend.

We advised counsel for each party that a proper Motion to Exclude Evidence should not include arguments alleging that a reply exceeds the scope of a proper reply. If such an issue arises, the parties should initiate a joint telephone conference call to the Board.

#### 5. Settlement

The parties had nothing to report regarding settlement. Nonetheless, the parties were advised that if the Board can do anything to assist in settlement, the parties are encouraged to arrange a call for that purpose.

Neither party had any further issues to present to the Board.

IPR2014-00989  
Patent 7,643,168 B2

It is

ORDERED that all due dates set in the Scheduling Order dated December 9, 2014 (Paper 7) remain unchanged as a result of the initial conference call on January 8, 2015.

IPR2014-00989  
Patent 7,643,168 B2

PETITIONER

Bing Ai  
Cheng C. (Jack) Ko  
Kevin Patariu  
Babak Tehranchi  
PERKINS COIE LLP

PATENT OWNER

Robert C. Curfiss

and

David O. Simmons  
IVC Patent Agency