

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC.,  
Petitioner,

v.

DSS TECHNOLOGY MANAGEMENT, INC.,  
Patent Owner.

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Case IPR2015-00373  
Patent 6,128,290

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Before JAMESON LEE, MATTHEW R. CLEMENTS, and  
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

BOUDREAU, *Administrative Patent Judge*.

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

On January 1, 2016, the parties in the above proceeding jointly requested a conference call to discuss (1) the effect of Patent Owner's statement on page 2 of the Patent Owner Response (Paper 15) that claims 6 and 7 of the '290 patent have been disclaimed; and (2) whether Patent

IPR2015-00373  
Patent 6,128,290

Owner may file motions to file corrective Patent Owner Responses and Declarations in this and related proceeding IPR2015-00369. On January 5, 2016, pursuant to the Board's direction, Patent Owner filed a Notice of Filing of Statutory Disclaimer (Paper 18). Responsive to the parties' request, a conference call was held on January 7, 2016, between counsel for the parties and Judges Boudreau, Lee, and Clements. Petitioner Apple Inc. was represented on the call by Mark W. Rygiel. Patent Owner DSS Technology Management, Inc. was represented on the call by Andriy Lytvyn.

On the call, we explained that the disclaimer works as an effective cancellation of claims 6 and 7 upon which Petitioner can rely in preparing its Reply to Patent Owner's Response. We further confirmed the same to be consistent with Patent Owner's understanding. Lastly, we explained that, because the proposed corrections to the Responses and Declarations identified by Patent Owner are sufficiently straightforward and not likely to lead to any confusion, corrected filings are neither necessary nor authorized at this time.

IPR2015-00373  
Patent 6,128,290

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