

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2015-00412
Patent 7,365,871 B2

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

LEE, *Administrative Patent Judge*.

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

The Board instituted trial in this proceeding on May 11, 2015. Paper 12. On June 3, 2015, an initial conference call was held. The participants were respective counsel for the parties and Judges Lee, Anderson, and Clements. Neither party contemplated the filing of any motion at this time, and none was discussed. 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. We also advised the parties that even if a protective order has been entered in the case, a motion to seal is still required to place anything under seal, and that a motion to seal would not be granted unless the associated burden of proof has been met. In that regard, we directed attention of the parties to *Corning Optical Commc'ns RF, LLC v. PPC Broadband, Inc.*, Case IPR2014-00736 (Papers 37, 38, 40).

We further advised the parties of the distinction between supplemental evidence under 37 C.F.R. § 42.64 and supplemental information under 37 C.F.R. § 42.123. Supplemental evidence supports the “admissibility” of initially submitted evidence and is not itself supplemental information.

During the conference call, counsel for Petitioner requested that the date of scheduled oral argument, currently set as December 8, 2015, be changed to December 18, 2015. Counsel for Patent Owner does not oppose the proposed change in the date of oral argument, if oral argument will be held. We granted the request.

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It is

ORDERED that Due Date 6 in the Scheduling Order dated May 11, 2015 (Paper 13) is reset from November 25, 2015, to December 4, 2015, and that Due Date 7 in the Scheduling Order dated May 11, 2015 (Paper 13) is reset from December 8, 2015, to December 18, 2015.

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