UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., Petitioner,

v.

E-WATCH, INC., Patent Owner.

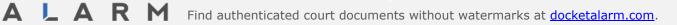
Case IPR2015-00413 Patent 7,365,871 B2

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

LEE, Administrative Patent Judge.

DOCKET

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



IPR2015-00413 Patent 7,365,871 B2

On July 17, 2015, a conference call was held. The participants were respective counsel for the parties and Judges Lee and Clements. Counsel for Patent Owner initiated the call to request authorization to file an opposition to Petitioner's Request for Rehearing (Paper 14) of the Board's Decision (Paper 13) not to institute *inter partes* review in this proceeding.

We explained that if, on the basis of the rehearing request itself, we can determine that it is without merit, an opposition is not necessary, and that in that circumstance we would prefer not to have an opposition in the file. We also explained that at this time there is no time running against Patent Owner to file an opposition and no opposition is required. We further explained that the rehearing request would not be granted without first providing Patent Owner an opportunity to oppose. In light of the foregoing, counsel for Patent Owner withdrew the request to file an opposition at this time but indicated that Patent Owner would like an opportunity to oppose prior to any granting of Petitioner's Request for Rehearing.

It is

ORDERED that prior to any granting of Petitioner's Request for Rehearing, Patent Owner will be given an opportunity to oppose; and

FURTHER ORDERED that Patent Owner is not authorized to file an opposition at this time.

IPR2015-00413 Patent 7,365,871 B2

FOR PETITIONER:

Brian Buroker Blair Silver GIBSON, DUNN & CRUTCHER LLP bburoker@gibsondunn.com bsilver@gibsondunn.com

FOR PATENT OWNER:

Robert C. Curfiss bob@curfiss.com

David O. Simmons IVC Patent Agency dsimmons@sbcglobal.net