

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.

E-WATCH, INC.,  
Patent Owner.

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Case IPR2015-00413  
Patent 7,365,871 B2

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

LEE, *Administrative Patent Judge.*

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

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  
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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