

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

E-WATCH, INC.,
Patent Owner.

Case IPR2015-00414¹
Patent 7,643,168 B2

Before JAMESON LEE and GREGG I. ANDERSON,
Administrative Patent Judges.

ANDERSON, *Administrative Patent Judge.*

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ Case IPR2015-00611 (“611 IPR”) has been joined with this proceeding. Samsung

A conference call was held on February 5, 2016. Present on the call were Blair Silver, counsel for Apple, Inc. (“Petitioner”), Robert Curfiss, lead counsel for E-Watch, Inc. (“Patent Owner”), David Simmons, backup counsel for Patent Owner, and Judges Lee and Anderson. Oral argument is currently set for February 24, 2016. Patent Owner requested the call seeking to: 1) have Mr. Simmons argue Patent Owner’s case; and 2) seeking to have Mr. Simmons attend telephonically.

Mr. Curfiss asks to be excused from attending the oral hearing on February 24, 2016, because his son is having extensive cancer surgery on that date. Mr. Curfiss states Mr. Simmons is fully prepared to handle the argument. However, Mr. Simmons states he has travel restrictions for personal health reasons and requests that he be allowed to attend by telephone.

In our Order granting Petitioner’s request for oral argument (“Order,” Paper 28) we stated:

The Board expects lead counsel for each party to be present in person at the oral hearing. However, lead or backup counsel of the presenting party may put forward the party’s argument. If either party anticipates that its lead counsel will not be attending the oral hearing, the parties should initiate a joint telephone conference with the Board no later than *two business days* prior to the oral hearing to discuss the matter.

Order, 2. The request is timely under the Order.

Mr. Curfiss has discussed the situation with Patent Owner’s in-house counsel and represents that Mr. Simmons has full authority to bind Patent Owner at oral argument and would not need to consult with Mr. Curfiss for any matter that may arise at oral argument. Mr. Simmons is a registered practitioner. Petitioner does not object to the request. Under the circumstances, good cause has been shown and the request is *granted*.

ORDER

It is hereby:

ORDERED that backup counsel, Mr. Simmons, may argue on behalf of Patent Owner at the February 24, 2016, hearing;

FURTHER ORDERED that Patent Owner may present its argument by phoning into the assigned hearing room fifteen minutes prior to the start of the hearing;

FURTHER ORDERED that Petitioner may appear and argue in person;
and

FURTHER ORDERED that Patent Owner will be provided a call in number for the hearing in due course.

IPR2015-00414
Patent 7,643,168 B2

For PETITIONER:

Samsung:

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

Apple, Inc.:

Steven Park
Naveen Modi
Elizabeth Brann
PAUL HASTINGS LLP
stevenpark@paulhastings.com
naveenmodi@paulhastings.com
elizabethbrann@paulhastings.com

For PATENT OWNER:

Robert C. Curfiss
E-WATCH INC.
bob@curfiss.com

David O. Simmons
IVC PATENT AGENCY
dsimmons1@sbcglobal.net