

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ALLSTEEL INC.,  
Petitioner,

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.,  
Patent Owner.

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IPR2015-01691  
Patent 8,024,901 B2

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Before SALLY C. MEDLEY and SCOTT A. DANIELS,  
*Administrative Patent Judges.*

MEDLEY, *Administrative Patent Judge.*

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

On September 2, 2016, a conference call was held involving counsel for the respective parties and Judges Medley, Daniels, and Harlow. The purpose of the conference call was for Patent Owner to seek authorization to file a motion for observations, or alternatively a table, to direct the panel's attention to certain testimonial evidence. The request to file a motion for observations or a table was opposed by Petitioner.

During the conference call, Patent Owner alleged that Petitioner raised incorrect assertions about Patent Owner's expert in Petitioner's Reply. In order to respond to the assertions, Patent Owner requested authorization to file a motion for observations regarding certain portions of cross-examination and re-direct examination testimony of Patent Owner's expert witness. Alternatively, Patent Owner requested authorization to file a table citing relevant portions of the cross-examination and re-direct examination testimony of Patent Owner's expert witness. Patent Owner explained that due to the length of the transcript of the expert witness, and because the redirect testimony may be overlooked by the panel, Patent Owner believed it would be helpful to direct our attention to certain portions of the testimony.

Patent Owner's proposed observations or table are not contemplated per rule or scheduling order (paper 11) governing this proceeding. We considered the arguments made by Patent Owner and Petitioner during the conference call, and determined that, based on the facts of this case, the proposed motion for observations or table are not warranted or necessary. For the foregoing reasons, Petitioner's request to file a motion for observations or table is *denied*.

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*Order*

It is

ORDERED that Patent Owner's request to file a motion for observations or a table is *denied*.

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