

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.

PERSONALIZED MEDIA COMMUNICATIONS, LLC,  
Patent Owner.

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Case IPR2016-00753 Patent 7,752,649 B1  
Case IPR2016-00754 Patent 8,559,635 B1  
Case IPR2016-00755 Patent 8,191,091 B1<sup>1</sup>

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Before KARL D. EASTHOM, TRENTON A. WARD, and  
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

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

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<sup>1</sup> This Order addresses issues that are the same in the identified cases. We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading.

A conference call in the above proceeding was held on December 12, 2016 between Thomas J. Scott and April E. Weisbruch for Patent Owner, Joel R. Merkin and Marcus E. Sernel for Petitioner, and Judges Braden, Easthom, and Ward. The call was initiated by Patent Owner to confer about its intent to file a motion to amend claims pursuant to 37 C.F.R. § 42.121. The panel provided guidance regarding the statute and rules governing motions to amend claims and Patent Owner's burden as the movant. *See* IPR2016-00753, Paper 10, 5–6.

The panel also heard from Petitioner regarding a Protective Order issued by a District Court that binds the parties and limits the parties' counsel actions in prosecution matters. Petitioner indicated that it did not currently have a motion to file in relation to the matter and was not, at this time, seeking authorization to file a motion. We encouraged the parties to confer with each other on the matter and subsequently request a conference with the Board should it be required.

It is

ORDERED that Patent Owner should note the guidance provided by the panel in filing its motion to amend claims under 37 C.F.R. § 41.121; and

FURTHER ORDERED that Patent Owner has satisfied its requirement to confer with the Board pursuant to 37 C.F.R. § 42.121(a).

Cases IPR2016-00753, IPR2016-00754, IPR2016-00755  
Patents 7,752,649 B1; 8,559,635 B1; 8,191,091 B1

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