

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DEALERSOCKET, INC.,
Petitioner,

v.

AUTOALERT, INC.,
Patent Owner.

Case CBM2014-00139
Patent 8,396,791 B2

Before JAMESON LEE, JONI Y. CHANG, and MICHAEL R. ZECHER,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Order
Conduct of Proceedings
37 C.F.R. § 42.5

The Board instituted trial in this proceeding on October 23, 2014. Paper 12. On November 13, 2014, an initial conference call was held. The participants were respective counsel for the parties and Judges Lee, Chang, and Zecher. Neither party filed a list of proposed motions. During the conference call, counsel for each party confirmed that no specific motion is contemplated at this time, that requires additional authorization from the Board. Counsel for each party indicated that there is no need for the Board to adjust Due Dates 6 or 7 in the Scheduling Order (Paper 13).

We inquired whether the parties currently are in settlement discussion. Counsel for the parties replied that the parties are not. Counsel for Patent Owner also indicated that Patent Owner does not oppose Petitioner's pending Motion for *Pro Hac Vice* Admission of Mr. Sterling A. Brennan.

It is

ORDERED that a proper Motion to Exclude Evidence should not include arguments alleging that a reply exceeds the scope of a proper reply; if such an issue arises, the parties should initiate a joint telephone conference call to the Board;

FURTHER ORDERED that all due dates set in the Scheduling Order dated October 23, 2014 (Paper 13), remain unchanged as a result of the initial conference call on November 13, 2014;

FURTHER ORDERED that the page limit for a Motion for Observation Regarding Cross-Examination of Reply Witness is set to 7 pages; and

FURTHER ORDERED that the parties shall initiate settlement discussion with each other within two weeks of the date of this communication.

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Patent 8,396,791 B2

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