

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

SURFCAST, INC.
Patent Owner

Case IPR2013-00292¹
Patent 6,724,403

Before MICHAEL P. TIERNEY, MATTHEW R. CLEMENTS,
Administrative Patent Judge.

CLEMENTS, *Administrative Patent Judge.*

ORDER
Conduct of Proceedings
37 C.F.R. § 42.05

¹ Cases IPR2013-00293, IPR2013-00294, and IPR2013-00295 have been consolidated with the instant proceeding.

Cases IPR2013-00292, IPR2013-00293,
IPR2013-00294, and IPR2013-00295
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On February 4, 2014, a conference call was held between respective counsel for Petitioner and Patent Owner, and Judges Tierney and Clements. The purpose of the call to discuss Patent Owner's requests for leave to file (1) corrected versions of expert declarations; and (2) a motion to seal various exhibits originally filed with the Patent Owner's Response (Paper 27). The following issues were discussed.

Motion to Seal and Protective Order

Patent Owner requested authorization to file a belated Motion to Seal to accompany the exhibits it filed as "Board and Parties Only." Petitioner had no objection to Patent Owner's Motion to Seal. The Board authorized Petitioner to file the Motion to Seal on or before February 10, 2014.

Patent Owner indicated that it intended to modify the default protective order. Petitioner agreed to review Patent Owner's proposal. The Board requested, and the parties did not object, to the entry of the protective order retroactive to the date the exhibits to be sealed were filed. The parties may file an agreed-upon protective order, in lieu of the default protective order, but are reminded that it should be accompanied by a redline that identifies the differences between it and the default protective order. If the differences are substantial, the parties should provide a high level explanation of how the agreed-upon protective order deviates from the Board's default protective order.

Corrected Declarations

Patent Owner explained that it had identified clerical errors in the table of contents and claim recitations of its expert declarations, and

Cases IPR2013-00292, IPR2013-00293,
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requested authorization to file corrected versions of those declarations. Petitioner has already reviewed courtesy copies of the proposed corrected declarations and does not object to Petitioner's filing of corrected versions of the declarations. The Board authorized Petitioner to file corrected declarations on or before February 21, 2014. The corrected declarations should be accompanied by a redline that identifies the differences between the corrected declarations and the originally-filed declarations.

Additional pages for Petitioner's Reply to Patent Owner's Response

Petitioner raised the issue of whether it should be permitted additional pages for its Reply to Patent Owner's Response. The Board proposed that a request for additional pages be postponed until Petitioner can identify specifically the number of pages it seeks and why. Petitioner agreed.

ORDER

It is ORDERED that:

1. The default protective order is entered effective January 24, 2014;
2. Patent Owner is authorized to file a Motion to Seal on or before February 10, 2014; and
3. Patent Owner is authorized to file corrected declarations on or before February 14, 2014, accompanied by redlines identifying the differences between the corrected declarations and the originally-filed declarations.

Cases IPR2013-00292, IPR2013-00293,
IPR2013-00294, and IPR2013-00295
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