

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 and MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

TIERNEY, *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
Patent 6,724,403

A conference call was held on May 20, 2014, involving Administrative Patent Judges Tierney and Clements and representatives from Microsoft Corporation and SurfCast. The purpose of the call was to discuss SurfCast's request to file a second motion to amend its claims and a request to provide additional briefing on claim construction. A court reporter was present on the call.²

SurfCast requested authorization to file a second motion to amend in order to correct what are deemed potential ambiguities in the proposed substitute claims filed in its first motion. Microsoft objected to the filing of a second motion and contends that the changes sought in the second set of proposed substitute claims raise new issues as to patentability. The Board authorized SurfCast to file a corrected motion to amend and further authorized Microsoft to file up to five (5) pages of additional briefing solely as to the changes introduced in the corrected motion. The corrected motion to amend was due May 30, 2014, and the additional briefing by Microsoft due June 13, 2014.

SurfCast requested authorization to provide briefing on why the Board should employ a district court claim construction standard in this proceeding. Microsoft opposed. The Board authorized SurfCast to raise, during the oral hearing, the issue of which standard of claim construction should be employed.

² This Order summarizes statements made during the conference call. A more complete record may be found in the transcript, which is to be filed by Microsoft.

Cases IPR2013-00292, IPR2013-00293,
IPR2013-00294, and IPR2013-00295
Patent 6,724,403

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