

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, JONI Y. CHANG, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

TIERNEY, *Administrative Patent Judge*.

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

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 in the above proceeding was held on June 30, 2014, between respective counsel for Petitioner and Patent Owner, and Judges Tierney, Chang, and Clements. The purpose of the call was to discuss three issues: 1) filing unredacted exhibits, 2) filing a corrected exhibit, and 3) filing corrected observations.

1) Redacted and Unredacted Exhibits

Patent Owner exhibits 2023-2029, 2036-2038, 2041, 2067 and 2068 are currently redacted but are designated confidential. Patent Owner sought authorization to file corresponding exhibits with dates unredacted also marked confidential; the redacted versions would then be marked public. Petitioner objected to Patent Owner's request as this issue was not raised in a timely fashion and Petitioner has already expended time and resources objecting to the currently redacted exhibits. We authorize Patent Owner's request given the public's interest in maintaining a complete and understandable file history.

2) Corrected Exhibit

Patent Owner exhibit 2092, filed June 6, 2014 is lacking a footer having the case number and pagination per the Trial Practice Guide's instructions. Patent Owner sought authorization to submit a corrected version of this exhibit with a proper footer, along with a request to expunge the original exhibit. Petitioner did not object to Patent Owner's request. The Board grants Patent Owner's request.

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

3) Corrected Observations on Cross-Examination

Petitioner seeks to file corrected observations on cross-examination. Patent Owner did not object. Petitioner is authorized to file corrected observations by no later than July 2, 2014.

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