

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOSHIBA CORPORATION
Petitioner

v.

INTELLECTUAL VENTURES I LLC
INTELLECTUAL VENTURES II LLC
Patent Owners

Cases IPR2014-00113 (Patent 6,058,045)
IPR2014-00317 (Patent 5,687,132)¹

Before KEVIN F. TURNER, TREVOR M. JEFFERSON, and
DAVID C. McKONE, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

DECISION
Motions to Expunge and Replace Exhibits
37 C.F.R. § 42.7 (a)

¹ This order addresses a similar issue in the two cases. Therefore, we exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style of heading in subsequent papers.

IPR2014-00113 (Patent 6,058,045)
IPR2014-00317 (Patent 5,687,132)

Petitioner Toshiba Corporation, Toshiba America, Inc., Toshiba America Electronic Components, Inc., and Toshiba America Information Systems, Inc., hereinafter “Toshiba,” filed Motions to Expunge and Replace Exhibits included with the Petitions in the above-cited *inter partes* review proceedings. In IPR2014-00113, Exhibit 1006, Declaration of Robert Murphy, was filed on October 31, 2013, along with the Petition (Paper 1) for that proceeding. In IPR2014-00317, Exhibit 1008, Declaration of Robert Murphy, was filed December 31, 2013, along with the Petition (Paper 1) for that proceeding. Toshiba files Motions (IPR2014-00113: Paper 8; IPR2014-00317: Paper 6) in each requesting that the original Declaration be expunged and replaced with a replacement Declaration, also by Robert Murphy, but now including Mr. Murphy’s curriculum vitae.

Patent Owners Intellectual Ventures I LLC and Intellectual Ventures II LLC have not filed oppositions to those Motions, and we consider them unopposed. Given the minor changes to the Exhibits, with no change in declarant’s testimony, and the fact that the replacement Exhibits were filed prior to the due dates for Patent Owners’ Preliminary Responses, we grant Toshiba’s Motions.

Order

It is

ORDERED that Toshiba’s Motions to Expunge and Replace Exhibits included with the Petitions are *granted*;

IPR2014-00113 (Patent 6,058,045)

IPR2014-00317 (Patent 5,687,132)

FURTHER ORDERED that, in IPR2014-00113, Toshiba's substitute Exhibit 1006, filed January 9, 2014, shall be substituted for the original Exhibit 1006, filed October 31, 2013, and the original Exhibit 1006, filed October 31, 2013, shall be *expunged*; and

FURTHER ORDERED that, in IPR2014-00317, Toshiba's substitute Exhibit 1008, filed January 24, 2014, shall be substituted for the original Exhibit 1008, filed December 31, 2013, and the original Exhibit 1008, filed December 31, 2013, shall be *expunged*.

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