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Paper 7
Entered: June 16, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COX COMMUNICATIONS, INC.,
Petitioner,

v.

AT&T INTELLECTUAL PROPERTY I, L.P.,
Patent Owner.

Case IPR2015-01227
Patent 7,907,714 B2

Before MICHAEL R. ZECHER, BRIAN P. MURPHY, and SHEILA F. MCSHANE, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

I. INTRODUCTION

A conference call in this proceeding was held on June 15, 2015, between the parties and Judges Zecher, Murphy, and McShane. Patent Owner, AT&T Intellectual Property I, L.P. ("AT&T"), initiated the conference call to discuss arguments that it believes still remain in the claim charts of the Amended Petition (Paper 6) filed on June 3, 2015, as well as asserted substantive changes made to the Amended Petition by Petitioner, Cox Communications, Inc. ("Cox").

II. DISCUSSION

AT&T began the conference call by providing a non-exhaustive list of arguments that it believes still remain in the claims charts of the Amended Petition, as well as a non-exhaustive list of substantive changes it believes Cox made to the Amended Petition without prior authorization from the Board. In order to rectify these purported defects, AT&T requested that we expunge the Amended Petition.

In response, Cox represented that, after receiving the Notice of Filing Date Accorded to Petition that identified certain defects in the claim charts of the original Petition, it revised the claim charts in the Amended Petition by removing arguments identified by the Board's paralegal staff and inserting them into its substantive analysis and text of the Amended Petition. Cox also represented that it was willing to work with AT&T to remove some of the language identified in the claim charts of the Amended Petition that AT&T viewed as argumentative. In response to an inquiry from the panel, Cox confirmed that no citation was added or changed in the claim charts of the Amended Petition from the claim charts in the

original Petition, and all quotes in the claim charts of the Amended Petition are from citations initially provided in the claim charts of the original Petition.

After a brief deliberation, we notified the parties that the changes identified by AT&T in the Amended Petition are not substantive, but rather relatively minor. We then instructed the parties to meet and confer about what language, if any, may be removed or revised in the Amended Petition. If the parties are able to reach an agreement on a revised version of the Amended Petition, we instructed them to notify the "Trials" email box no later than June 22, 2015. We take this opportunity to remind the parties that no substantive changes should be made to the Amended Petition, including the claim charts contained therein. *See* Paper 5, 2 (stating that "[n]o substantive changes (e.g., new grounds) may be made to the [P]etition").

III. ORDER

Accordingly, it is:

ORDERED that AT&T's request to expunge the Amended Petition is DENIED; and

FURTHER ORDERED that the parties must meet and confer about what language, if any, may be removed or revised in the Amended Petition. No substantive changes should be made to the Amended Petition, including the claims charts contained therein. If the parties are able to reach an agreement on a revised version of the Amended Petition, they should notify the "Trials" email box no later than June 22, 2015.

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