

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOYOTA MOTOR CORP.,  
Petitioner,

v.

LEROY G. HAGENBUCH,  
Patent Owner.

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Case IPR2013-00638  
Patent 8,014,917 B2

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Before JAMESON LEE, MICHAEL W. KIM, and  
JEREMY M. PLENZLER, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

Order  
Conduct of Proceeding  
*37 C.F.R. § 42.5*

### Introduction

On October 14, 2014, a telephone conference was held between respective counsel for the parties and Judges Lee, Kim, and Plenzler. Counsel for Patent Owner requested the conference call to seek clarification on two points: (1) whether an objection to evidence may be filed; and (2) whether a contention that the Reply or evidence in support of the Reply exceeds the proper scope of a reply properly may be raised in a Motion to Exclude Evidence.

### Discussion

We explained that in this case we authorize the filing of Patent Owner's objections to Petitioner's reply evidence. The pertinent rule neither expressly prohibits nor expressly authorizes such filing. 37 C.F.R. § 42.64(b)(1). We further explained that a contention that the Reply or evidence in support of the Reply exceeds the proper scope of a reply may not be raised in a Motion to Exclude Evidence. Instead, we authorized Patent Owner to file a one-page submission, specifically identifying what issue(s) in the Reply, according to Patent Owner, exceed the proper scope of a reply. No explanation, elaboration, or discussion should be included in the submission. We further authorize Petitioner to file a one-page Response to Patent Owner's submission. The Response also should not include arguments and explanations. It should simply, on a point-by-point basis, identify by citation specific portions of the Patent Owner Response that it believes justifies the material in the Reply. When rendering the final written decision, we will consider both submissions.

### Order

It is ORDERED that Patent Owner's one-page, non-argumentative submission is due on October 20, 2014, and Petitioner's one-page responsive submission is due on October 24, 2014.

IPR2013-00638  
Patent 8,014,917

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