

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMERICAN HONDA MOTOR CO., INC.,  
Petitioner,

v.

AMERICAN VEHICULAR SCIENCES LLC,  
Patent Owner.

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Case IPR2014-00633  
Patent 7,650,210 B2

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Before BARBARA A. PARVIS and GREGG I. ANDERSON,  
*Administrative Patent Judges.*

PARVIS, *Administrative Patent Judge.*

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

On October 31, 2014, a conference call was held between respective counsel for the parties and Judges Parvis and Anderson. Patent Owner requested clarification as to whether serial objections are required to preserve its right to file a motion to exclude a reference, filed as Exhibit 1006.

As background, Patent Owner filed Objections to Evidence (Paper 10) on October 13, 2014, in which Patent Owner objects to the admissibility of the following reference: K.N. Fry, Diesel Locomotive Reliability Improvement by System Monitoring, 209 PROC. INST. OF MECHANICAL ENGINEERS, PART F: J. OF RAIL & RAPID TRANSIT 1 (1995), which was submitted as Exhibit 1006. Subsequently, on October 27, 2014, Petitioner filed supplemental evidence, including Exhibits 1016 through 1019. Patent Owner contends that an additional objection, in light of Petitioner's filing of supplemental evidence, is not required, so as to preserve its right to file a motion to exclude Exhibit 1006. Petitioner agreed.

Motions to exclude are to seek the exclusion of evidence for evidentiary objections previously made on the record. 37 C.F.R. 42.64(c). Additionally, a motion to exclude must identify objections in the record. *Id.*

We determine that 37 C.F.R. 42.64(c) does not require that the Patent Owner serve an additional objection so as to preserve a right to file a motion to exclude Exhibit 1006, simply because supplemental evidence has been filed and served by Petitioner. This determination does not pertain to the merits of the objections already made (Paper 10) or to any motion to exclude. Additionally, this determination relates only to a motion to exclude Exhibit 1006, as at this time, Petitioner has not relied upon the supplemental evidence submitted Exhibits 1016 through 1019 in its substantive papers.

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*See EMC Corp. v. Personal Web Technologies, LLC.*, Case IPR2013-00082 (Order –Conduct of the Proceeding June 19, 2013, Paper 41), (Order–Conduct of the Proceeding Sept. 3, 2013, Paper 51).

It is

ORDERED that further objections are not required under 37 C.F.R. 42.64(c) so as to preserve the Patent Owner’s right to file a motion to exclude Exhibit 1006.

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