

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

PAICE LLC & THE ABELL FOUNDATION, INC.,
Patent Owner.

Case IPR2014-00571
Patent 7,104,347 B2

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

On May 14, 2015, a conference call was held between counsel for the respective parties and Judges Medley, Deshpande, and DeFranco. Patent Owner requested the call to discuss an issue that arose during the deposition of Petitioner's witness, Dr. Gregory Davis. Patent Owner requests authorization to retake the deposition of Dr. Davis, and Petitioner opposes. For the reasons that follow, Patent Owner's request is *denied*.

According to counsel for the respective parties, during the May 8, 2015 deposition of Dr. Davis, a dispute arose concerning questioning Dr. Davis with respect to an exhibit, described by the parties as a marked-up copy of a manual, that is not asserted prior art in this proceeding ("Exhibit 2013"¹). The parties were unable to contact a Board member to assist them in the dispute, and as a result, the deposition continued and completed with respect to all questioning, with the exception of the dispute over whether Dr. Davis may be questioned about Exhibit 2013. Patent Owner requests authorization to retake Dr. Davis' deposition with respect to Exhibit 2013, and Petitioner opposes.

During the conference call, Patent Owner explained that Patent Owner sought to rely on Exhibit 2013 to question Dr. Davis' credibility—to ascertain whether questioning regarding the exhibit would lead to inconsistencies with respect to Dr. Davis' original testimony. When questioned during the conference call, Patent Owner did not provide a sufficient basis for questioning Dr. Davis' credibility in the first place, or for questioning him at all with respect to Exhibit 2013 insofar as being relevant to the facts of this proceeding are concerned. Patent Owner's proposed line of questioning, with respect to Exhibit 2013, seems to us to be akin to a

¹ Although not yet of record, the parties referred to the exhibit as Exhibit 2013.

“fishing expedition” and in conflict with 37 C.F.R. § 42.1(b) which requires us to resolve this proceeding in a just, speedy, and inexpensive manner. Based on the facts of this proceeding, we determine that there is not sufficient reason to once again take the deposition of Dr. Davis, which would only add to the costs and complexities of the proceeding.

Accordingly, we deny Patent Owner’s request to retake the deposition of Dr. Davis.

Order

It is

ORDERED that Patent Owner’s request to retake the deposition of Dr. Davis is *denied*.

IPR2014-00571
Patent 7,104,347 B2

PETITIONER

Frank A. Angileri
John E. Nemazi
John P. Rondini
Erin K. Bowles
BROOKS KUSHMAN P.C.
FPGP0101IPR2@brookskushman.com
jrondini@brookskushman.com

Kevin Greenleaf
Lissi Mojica
DENTONS US LLP
kevin.greenleaf@dentons.com
lissi.mojica@dentons.com

PATENT OWNER

Timothy W. Riffe
Kevin E. Greene
Ruffin Cordell
Linda Kordziel
Brian Livedalen
FISH & RICHARDSON P.C.
Riffe@fr.com
Greene@fr.com
IPR36351-0011IP1@fr.com