

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC., and  
BLIZZARD ENTERTAINMENT, INC.,  
Petitioner,

v.

AC TECHNOLOGIES S.A.,  
Patent Owner.

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Case IPR2015-01802  
Patent 7,904,680 B2

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Before MICHAEL R. ZECHER, MATTHEW R. CLEMENTS, and  
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

CLEMENTS, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5(a)*

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On July 24, 2016, Patent Owner filed an Affidavit of Victor G. Hardy as Exhibit 2007. On December 1, 2016, Patent Owner filed its demonstratives as Exhibit 2007.

On September 2, 2016, Patent Owner filed a web bio of Victor G. Hardy as Exhibit 2008.

On October 12, 2016, Patent Owner filed a transcript from a deposition of Paul S. Jacobs, Ph.D., as Exhibit 2009.

On September 1, 2017, Patent Owner filed, with authorization, a Brief addressing whether dependent claims 2, 4, and 6 are unpatentable under 35 U.S.C. § 103(a) as obvious over Rabinovich<sup>1</sup>. Paper 38 (“Brief”). In support of its Brief, Patent Owner filed (1) a ten-page article titled, “Information Dissemination in Partitionable Mobile Ad Hoc Networks,” as Exhibit 2007; (2) a thirty-five page document titled “A Survey of Data Replication Techniques for Mobile Ad-Hoc Network Databases,” as Exhibit 2008; and (3) six page print out of <http://www.utilizewindows.com/introduction-to-wireless-networking/>, as Exhibit 2009.

As a result, the record now contains three Exhibit 2007s, two Exhibit 2008s, and two Exhibit 2009s.

On September 29, 2017, Petitioner filed a Reply to Patent Owner’s Brief in which Petitioner refers to the ambiguously-numbered documents filed by Patent Owner on September 1, 2017. Paper 40 (“Reply”).

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<sup>1</sup> Rabinovich, M., et al., “Dynamic Replication on the Internet,” Work Project No. 3116-17-7006, AT&T Labs Research Technical Memorandum HA6177000-980305-01TM (March 5, 1998). Exhibit 1006.

Because the exhibit numbering used by Patent Owner does not unambiguously identify the evidence filed by Patent Owner, we expunge Patent Owner's Brief (Paper 38) and the exhibits filed by Patent Owner on September 1, 2017 (Exhibits 2007 to 2010 filed September 1, 2017), and order Patent Owner to re-file, within one week, identical exhibits with proper (unique) exhibit numbers and to file a corrected Brief with no changes other than correcting citations to use the new, unique exhibit numbers.

We also expunge Petitioner's Reply (Paper 40) and order Petitioner to re-file, within one week of Patent Owner's corrected Brief, a corrected Reply with no changes other than correcting citations to use the new exhibit numbers used by Patent Owner.

Because "Exhibit 2007" also refers to both an Affidavit of Victor G. Hardy (filed July 24, 2016) and Patent Owner's demonstratives (filed December 1, 2016) and because demonstratives are not evidence, we expunge Patent Owner's demonstratives. As a result, Exhibit 2007 will uniquely identify the Affidavit of Victor G. Hardy.

We also expunge Petitioner's demonstratives (Exhibit 1021) to maintain parity between the parties and because, like Patent Owner's demonstratives, they are not evidence.

#### ORDER

Accordingly, it is:

ORDERED that, pursuant to 37 C.F.R. § 42.7(a), Paper 38, Paper 40, Exhibit 1021, and the versions of Exhibits 2007 to 2010 that were filed September 1, 2017, are expunged;

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FURTHER ORDERED that Patent Owner shall re-file, within one week, identical exhibits with proper (unique) exhibit numbers and file a corrected Brief with no changes other than correcting citations to use the new, unique exhibit numbers; and

FURTHER ORDERED that Petitioner shall re-file, within one week of Patent Owner's corrected Brief, a corrected Reply with no changes other than correcting citations to use the new exhibit numbers used by Patent Owner.

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