

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RED DIAMOND, INC.,  
Petitioner,

v.

SOUTHERN VISIONS, LLP,  
Patent Owner.

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Case PGR2019-00045  
Patent 10,071,852

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Mailed: April 17, 2019

Before ESTHER GOLDSCHLAGER, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION  
AND  
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for post-grant review in the above proceeding has been accorded the filing date of April 10, 2019.

A review of the petition identified the following defect(s): Failure to label exhibits properly. 37 C.F.R. § 42.63(d).

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show

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cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in Patent Trial and Appeal Board End to End (PTAB E2E), accessible from the Board Web site at <http://www.uspto.gov/PTAB>. To file documents, users

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must register with PTAB E2E. Information regarding how to register with and use PTAB E2E is available at the Board Web site.

If there are any questions pertaining to this notice, please contact Esther Goldschlager at 571-270-5960 or the Patent Trial and Appeal Board at 571-272-7822.

For PETITIONER:

Jamaica Szeliga  
SEYFARTH SHAW, LLP  
jszeliga@seyfarth.com

James Robertson  
J.M. Robertson, LLC  
jrobertson@jmrpatents.com

For PATENT OWNER:

SOUTHEAST IP GROUP, LLC  
PO Box 14156  
Greenville, SC 29610

**NOTICE CONCERNING ALTERNATIVE DISPUTE RESOLUTION  
(ADR)**

The Patent Trial and Appeal Board (PTAB) strongly encourages parties who are considering settlement to consider alternative dispute resolution as a means of settling the issues that may be raised in an AIA trial proceeding. Many AIA trials are settled prior to a Final Written Decision. Those considering settlement may wish to consider alternative dispute resolution techniques early in a proceeding to produce a quicker, mutually agreeable resolution of a dispute or to at least narrow the scope of matters in dispute. Alternative dispute resolution has the potential to save parties time and money.

Many non-profit organizations, both inside and outside the intellectual property field, offer alternative dispute resolution services. Listed below are the names and addresses of several such organizations. The listings are provided for the convenience of parties involved in cases before the PTAB; the PTAB does not sponsor or endorse any particular organization's alternative dispute resolution services. In addition, consideration may be given to utilizing independent alternative dispute resolution firms. Such firms may be located through a standard keyword Internet search.

| <b>CPR<br/>INSTITUTE<br/>FOR DISPUTE<br/>RESOLUTION</b> | <b>AMERICAN<br/>INTELLECTUAL<br/>PROPERTY<br/>LAW<br/>ASSOCIATION<br/>(AIPLA)</b> | <b>AMERICAN<br/>ARBITRATIO<br/>N<br/>ASSOCIATIO<br/>N (AAA)</b> | <b>WORLD<br/>INTELLECTUA<br/>L PROPERTY<br/>ORGANIZATI<br/>ON (WIPO)</b> | <b>AMERICAN<br/>BAR<br/>ASSOCIATION<br/>(ABA)</b>            |
|---|---|---|--|--|
| Telephone:<br>(212) 949-6490                            | Telephone:<br>(703) 415-0780  | Telephone:<br>(212) 484-3266                                    | Telephone:<br>41 22 338 9111   | Telephone :<br>(202) 662-1000                                |
| Fax: (212) 949-8859                                     | Fax: (703) 415-0786   | Fax: (212) 307-4387   | Fax: 41 22 733 5428  | N/A  |
| 575 Lexington Ave<br>New York, NY 10022                 | 241 18th Street, South,<br>Suite 700<br>Arlington, VA 22202                       | 140 West 51st<br>Street<br>New York, NY<br>10020                | 34, chemin des<br>Colombettes<br>CH-1211 Geneva 20,<br>Switzerland       | 1050 Connecticut Ave,<br>NW<br>Washington D.C. 20036         |
| <a href="http://www.cpradr.org">www.cpradr.org</a>      | <a href="http://www.aipla.org">www.aipla.org</a>                                  | <a href="http://www.adr.org">www.adr.org</a>                    | <a href="http://www.wipo.int">www.wipo.int</a>                           | <a href="http://www.americanbar.org">www.americanbar.org</a> |

If parties to an AIA trial proceeding consider using alternative dispute resolution, the PTAB would like to know whether the parties ultimately decided to engage in alternative dispute resolution and the reasons why or why not. If the parties actually engage in alternative dispute resolution, the PTAB would be interested to learn what mechanism (e.g., arbitration,

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mediation, etc.) was used and the general result. Such a statement from the parties is not required but would be helpful to the PTAB in assessing the value of alternative dispute resolution to parties involved in AIA trial proceedings. To report an experience with ADR, please forward a summary of the particulars to the following email address:  
PTAB\_ADR\_Comments@uspto.gov