

ORDER
Priority Times
Bd.R. 104(c)

A. CONFERENCE CALL

A telephone conference call was held on @ at approximately @:@ a/p.m., involving:

1. @, counsel for @,
2. @, counsel for @, and
3. @, Administrative Patent Judge.

B. RELEVANT DISCUSSION DURING CONFERENCE CALL

The principal purpose of the conference call was to set times for taking action on priority.

@insert any additional relevant discussion.

C. TIME PERIODS ASSOCIATED WITH MOTIONS

In accordance with discussion during the telephone conference call, the TIME PERIODS described below are set out in an Appendix to this ORDER.

Action specified for each TIME PERIOD must be completed by the date specified for the TIME PERIOD.

The parties are authorized to stipulate different times (earlier or later, but not later than TIME PERIOD 17) for TIME PERIODS 11 through 16. A notice of the stipulation must be promptly filed. The notice must be in the form of a copy of the Appendix attached to this ORDER with old dates crossed out and new dates inserted by hand. The parties may not stipulate an extension of TIME PERIOD 17

or the default date for oral argument. In stipulating different times, the parties should consider the effect of the stipulation on times:

- (1) to object to evidence (5 business days, Bd.R. 155(b)(1)),
- (2) to supplement evidence (10 business days, Bd.R. 155(b)(2)),
- (3) to begin cross examination (no earlier than 21 days after service, SO & 157.3.1) and
- (4) to conclude cross examination (at least 10 days before the opposition or reply is due, SO & 157.3.2).

1. TIME PERIOD 11

The JUNIOR PARTY must file a motion on priority.

If the junior party does not file a priority motion, the JUNIOR PARTY must arrange a conference call with the parties and the Board so that appropriate action may be taken.

2. TIME PERIOD 12

The SENIOR PARTY must file any priority motion.

3. TIME PERIOD 13

File oppositions to all motions.

4. TIME PERIOD 14

File replies to all oppositions.

5. TIME PERIOD 15

- a. File any request for oral argument on priority,
- b. File motions to exclude evidence (Bd.R. 155(c); SO ¶ 155.2), and
- c. File observations on cross examination (SO ¶ 157.7) of reply testimony, and
- d. File a list of any issues other than priority that should be considered in rendering a final decision in the interference.¹

6. TIME PERIOD 16

- a. File oppositions to an opponent's motion to exclude evidence and
- b. File any response to observations.

7. TIME PERIOD 17

File replies to oppositions to motions to exclude evidence.

D. FILING EXHIBITS

A document larger than 50MB cannot be filed online. If a party needs to file a document larger than 50MB, unless otherwise instructed by order, please contact the board at the telephone number above to make other arrangements, such as sending a CD-ROM by Express Mail.

¹ There is no need to list an issue previously resolved by a decision entered by a panel of at least three administrative patent judges inasmuch as these decisions merge with the judgment when a final decision is entered.

E. DEFAULT ORAL ARGUMENT DATE

If a request for oral argument (Bd.R. 124(a); TIME PERIOD 15) is granted, the default date for such argument is the date provided in the appendix below. No oral argument will occur if either no argument is requested or granted.

cc (via @):

Attorney for @

Attorney for @

Revised 27 November 2013

APPENDIX--ORDER - RULE 104(c)
(Times for priority motions)

Interference 105,@ (@)

TIME PERIOD 11@6 weeks

JUNIOR PARTY ONLY file priority motion

TIME PERIOD 12@3 weeks

SENIOR PARTY ONLY file priority motion

TIME PERIOD 13@6 weeks

File oppositions to all motions

TIME PERIOD 14@6 weeks

File all replies

TIME PERIOD 15@6 weeks

File request for oral argument

File list of issues to be considered

File motions to exclude

File observations

TIME PERIOD 16@3 weeks

File oppositions to motions to exclude

File response to observations

TIME PERIOD 17@2 weeks

File replies to oppositions to motions to exclude

DEFAULT ORAL ARGUMENT DATE@2 weeks

Default oral argument date (if ordered)