

**ORDER SETTING TIMES**  
**(Times for taking action--priority testimony phase)**

**Part A. Conference call**

A @hearing/telephone conference call was held on @\_\_\_\_\_ @\_, 200@\_, at approximately @\_:\_\_ a/p.m., involving:

1. @, @ Administrative Patent Judge.
2. @\_\_\_\_\_, counsel for @\_\_\_\_\_.
3. @\_\_\_\_\_, counsel for @\_\_\_\_\_.
4. @\_\_\_\_\_, counsel for @\_\_\_\_\_.
5. @\_\_\_\_\_, counsel for @\_\_\_\_\_.

**Part B. Relevant discussion during conference call**

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

@is there a need to set a time for supplemental preliminary statements?

@insert any relevant discussion not otherwise covered herein.

**Part C. Time schedule for taking action**

In accordance with discussion during the @hearing/telephone conference call, the times for taking action as set out in an Appendix to this ORDER are established in this interference:

The parties are authorized to stipulate different times (earlier or later, but not later than the "Last Time") for all times for taking action except the "Last Time," provided, a notice is filed with the board as soon as practical after any agreement is reached. The notice should be in the

form of a photostatic copy of the Appendix attached to this ORDER with old dates crossed out and new dates inserted by hand. The purpose of this requirement is to make it easy for personnel at the board to determine the changes in dates agreed to by the parties. The parties may not stipulate an extension of the "Last Time."

**Part D. Oral hearing before a merits panels**

The date and time for an oral hearing before a merits panels will be set by conference call in due course.

@  
@Administrative Patent Judge

@Date: \_\_\_\_\_

Version 7 (replaces Version 6)  
Revised May 2003

## Appendix

### ORDER SETTING TIMES

#### (Times for taking action--priority testimony phase)

1. @\_\_\_\_\_ Time for taking action with respect to settlement discussion (see STANDING ORDER ¶ 15.2)
2. @\_\_\_\_\_ Service (but not filing) of junior party evidence on the issue of priority or derivation
3. @\_\_\_\_\_ Last day for cross-examination
4. @\_\_\_\_\_ Last day for serving Rule 632 notice
5. @\_\_\_\_\_ Service (but not filing) of senior party evidence case on the issue of priority or derivation
6. @\_\_\_\_\_ Last day for cross-examination
7. @\_\_\_\_\_ Last day for serving Rule 632 notice
8. @\_\_\_\_\_ Filing of a paper under 37 CFR § 1.640(b) indicating the issues to be considered at the priority phase of final hearing
9. @\_\_\_\_\_ Service (but not filing with the board) of one copy of the record.<sup>1</sup>
10. @\_\_\_\_\_ Time for taking action with respect to settlement discussion (see STANDING ORDER ¶ 15.2)
11. @\_\_\_\_\_ Filing of **one copy** of junior party principal brief on the issue of priority or derivation

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<sup>1</sup> See 37 CFR § 1.653. The record may include material not served with the evidence in support of priority or derivation, such as transcripts of cross-examination depositions. The record as served shall be identical to the record to be filed with the board and will be the record upon which a decision is made at final hearing.

12. @\_\_\_\_\_

Filing of **one copy** of each of:

- (a) Senior party motion to suppress evidence
- (b) Senior party brief in opposition to junior party principal brief
- (c) Senior party principal brief on the issue of priority or derivation

13. @\_\_\_\_\_

Filing of **one copy** of each of:

- (a) Junior party opposition to senior party motion to suppress evidence
- (b) Junior party reply to senior party brief in opposition to junior party principal brief
- (c) Junior party brief in opposition to senior party principal brief
- (d) Junior party motion to suppress evidence

14. @\_\_\_\_\_

Filing of **one copy** of each of:

- (a) Senior party reply to junior party opposition to senior party principal brief
- (b) Senior party opposition to junior party motion to suppress evidence

15. @\_\_\_\_\_

"Last Time" consisting of filing of:

- (a) **An original and one set (if oral argument is not requested) or three sets (if oral argument is requested)** of the record (see STANDING ORDER ¶ 14.8.2)
- (b) **Three copies** of each principal brief, opposition brief and reply brief and **three copies** of each motion to suppress evidence, opposition thereto and reply thereto

- (c) Any ZIP® disk or CD-ROM which a party elects to file