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Paper 29
Date: February 12, 2015

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TARGET CORPORATION,
Petitioner,

v.

DESTINATION MATERNITY CORPORATION,
Patent Owner.

Cases IPR2014-00509
Patents RE43,531 E

Before MICHAEL P. TIERNEY, LORA M. GREEN, JONI Y. CHANG, THOMAS L. GIANNETTI, JENNIFER S. BISK, MICHAEL J. FITZPATRICK, and MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

Opinion for the Board filed by *Administrative Patent Judge* GREEN.

Opinion Dissenting filed by *Administrative Patent Judge* MICHAEL J. FITZPATRICK, in which *Administrative Patent Judges*, JENNIFER S. BISK and MITCHELL G. WEATHERLY, join.

DECISION
Granting Petitioner's Request for Rehearing
37 C.F.R. § 42.71

Petitioner, Target Corporation ("Target"), requests reconsideration of our Decision Denying Joinder of the instant proceeding with IPR2013-00533 (Paper 18), as well as our Decision Denying Institution of *Inter Partes* Review (Paper 19). Paper 20 ("Request for Rehearing"). Patent Owner, Destination Maternity Corporation, was authorized to file an Opposition (Paper 22), to which Petitioner was authorized to file a Reply (Paper 23).

For the reasons discussed in the Decision Granting Petitioner's Request for Rehearing in related IPR2014-00508 (Paper 28), we grant the Request for Rehearing.

Opinion Dissenting filed by *Administrative Patent Judge* FITZPATRICK, in which BISK and WEATHERLY, *Administrative Patent Judges*, join.

For the reasons discussed in our dissent in the Decision Granting Petitioner's Request for Rehearing in related IPR2014-00508 (Paper 28 in that proceeding), we likewise dissent here.

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