

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY CORPORATION
Petitioner

v.

YISSUM RESEARCH DEVELOPMENT COMPANY OF THE HEBREW
UNIVERSITY OF JERUSALEM
Patent Owner

Cases IPR2013-00218 (Patent 6,665,003 B1)
IPR2013-00219 (Patent 7,477,284 B2)¹

Before SALLY C. MEDLEY, KARL D. EASTHOM, and JAMES B. ARPIN,
Administrative Patent Judges.

ARPIN, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ IPR2013-00326 has been joined with IPR2013-00218, and IPR2013-00327 has been joined with IPR2013-00219. This order addresses a single issue raised in both cases. We exercise discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers

On November 20, 2013, a conference call for this proceeding was held between respective counsel for the parties and Judges Medley, Easthom, and Arpin. Petitioner requested this conference call to renew its request, first raised during the initial conference call on October 23, 2013, for authorization to submit a motion for supplemental information pursuant to 37 C.F.R. § 42.123(a)(1). The supplemental information would consist of a supplemental declaration of Prof. Kenichi Okada. As Petitioner previously explained, one of Petitioner's witnesses, Dr. Kouichi Matsuda, may not be available for cross-examination. Order, Paper 29, at 3. Due to that uncertainty, Petitioner seeks to submit testimony from Prof. Kenichi Okada to provide similar testimony to that of Dr. Matsuda as to the public accessibility of Kawakita. *Id.*

The Board previously denied the request as premature in view of Patent Owner's position that it may not challenge the public accessibility of the Kawakita in its patent owner response. *See id.* During this conference call, Patent Owner confirmed that it will not contest the public accessibility of Kawakita in this proceeding or in the related proceeding, IPR2013-00218. Consequently, Petitioner and Patent Owner agreed that it will not be necessary to depose or cross-examine Petitioner's witnesses, including Prof. Kenichi Okada and Dr. Kouichi Matsuda, regarding the public accessibility of Kawakita.

Accordingly, it is hereby:

ORDERED that Petitioner's request for authorization to submit a motion for supplemental information is *denied*.

Case IPR2013-00219

Patent 7,477,284 B2

FOR PETITIONER:

Walter Hanley
Michelle Carniaux
Kenyon & Kenyon, LLP
whanley@kenyon.com
mccarniaux@kenyon.com

FOR PATENT OWNER:

David L. McCombs
David O'Dell
Haynes and Boone, LLP
David.mccombs.ipr@haynesboone.com
David.odell.ipr@haynesboone.com

Robert Gerrity
William Nelson
Tensegrity Law Group, LLP
Robert.gerrity@tensegritylawgroup.com
William.nelson@tensegritylawgroup.com