

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TOSHIBA CORPORATION, TOSHIBA AMERICA, INC.,  
TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.,  
and TOSHIBA AMERICA INFORMATION SYSTEMS, INC.  
Petitioner

v.

INTELLECTUAL VENTURES I LLC  
Patent Owner

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Case IPR2014-00113  
Patent 6,058,045

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Before TREVOR M. JEFFERSON and DAVID C. McKONE, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

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

An initial conference call in the above proceeding was held on May 22, 2014, between respective counsel for Petitioner and Patent Owner, and Judges Jefferson and McKone. The purpose of the call was to discuss any proposed changes to the Scheduling Order (Paper 14) and any motions that the parties intend to file. Neither party filed a proposed motions list.

The parties indicated that there were no adjustments of Due Dates 1-3 and that any future agreed-to changes would be relayed to the Board. The Board indicated that changes to Due Dates beyond Due Date 3 would need communication with and approval by the Board.

The parties also acknowledged that no protective orders are presently in place, that there are no initial disclosures, and that no additional discovery requests are being made at this time. The parties confirmed that no settlement discussions have occurred with respect to this proceeding.

Counsel for Patent Owner indicated that Patent Owner did not intend to file a motion to amend. If the Patent Owner decides to file a motion to amend claims, it must initiate a conference call with the Board prior to such filing to confer about the intended motion. The Board directs the attention of the parties to *Nichia Corporation v. Emcore Corporation*, IPR2012-00005, Paper No. 27, *Idle Free Systems, Inc. v. Bergstrom, Inc.*, IPR2012-00027, Paper Nos. 26 and 66, and *ZTE Corporation and ZTE (USA) Inc. v. Contentguard Holdings, Inc.*, IPR2013-00136, Paper No. 33, which discuss the requirements of a motion to amend claims. We recommend requesting such a conference at least two weeks prior to filing a motion to amend.

The Board reminded the parties that, unless otherwise stated in the rules, prior authorization is required for all motions. *See* 37 C.F.R. § 42.20(b). The

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Board is available for additional conference calls should the need arise due to issues that the parties are not able to resolve on their own.

### Order

It is

ORDERED that all due dates set in the Scheduling Order dated May 5, 2014 (Paper 14), remain unchanged.

#### PETITIONER:

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