

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MOTOROLA MOBILITY LLC,  
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,  
Patent Owner.

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Cases

IPR2014-00501 (Patent 7,136,392 B2)  
IPR2014-00504 (Patent 7,382,771 B2)<sup>1</sup>

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Before MICHAEL KIM, PATRICK R. SCANLON, and  
KRISTINA M. KALAN, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

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

A call was held on March 4, 2015, among respective counsel for Petitioner and Patent Owner and Judges Kim, Scanlon, and Kalan. On February 27, 2015, Petitioner and Patent Owner jointly requested a conference call with the Board to

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<sup>1</sup> This Order addresses overlapping issues in these cases. Therefore, we issue one order applicable to both cases. The parties are not authorized to use this style heading in subsequent papers.

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discuss matters related to scheduling cross-examination of Dr. Sumit Roy, Petitioner's expert declarant in IPR2014-00501 and IPR2014-00504. According to the parties, Dr. Roy is currently on an assignment teaching at the University of Canterbury, Christchurch, New Zealand. The parties represent that Dr. Roy left for his assignment in New Zealand on February 18, 2015, and will return to the United States on April 6, 2015.

Petitioner's Replies in IPR2014-00501 and IPR2014-00504 were filed on February 9, 2015, along with a Second Declaration of Sumit Roy, Ph.D. IPR2014-00501, Paper 28, Ex. 1019; IPR2014-00504, Paper 26, Ex. 1012.

The present Scheduling Orders (IPR2014-00501, Paper 14; IPR2014-00504, Paper 13) set out the following relevant due dates:

DUE DATE 4 .....	March 23, 2015
Motion for observation regarding cross-examination of reply witness	
Motion to exclude evidence	
Request for oral argument	
DUE DATE 5 .....	April 6, 2015
Response to observation	
Opposition to motion to exclude	
DUE DATE 6 .....	April 13, 2015
Reply to opposition to motion to exclude	
DUE DATE 7 .....	May 5, 2015
Oral argument (if requested)	

During the call, the parties represented that they have discussed, but have not been able to agree upon, possible accommodations for Dr. Roy to be cross-examined prior to Due Date 4, i.e., March 23, 2015. Patent Owner represented that the parties had discussed a number of options, including (1) having Petitioner fly

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Dr. Roy back to the United States for a live deposition during the normal window of time; (2) conducting the deposition in New Zealand, with Board permission; and (3) moving Due Dates 4–6 or Due Dates 4–7 to allow for a deposition of Mr. Roy upon his return to the United States. Petitioner indicated that Options 1 and 2 were impractical, but was amenable to Option 3. The parties proposed a number of potential amended dates for the relevant Due Dates in the Scheduling Orders. Petitioner represented that Mr. Roy could be made available as early as April 8, 2015.

As discussed during the phone call, Due Date 4 is moved to April 21, 2015, Due Date 5 is moved to April 24, 2015, and Due Date 6 is moved to April 28, 2015. Due Date 7, the date of oral argument (if requested), remains unchanged and will take place on May 5, 2015. We note that the parties are free to file any paper, including the request for oral argument, in advance of their respective due dates.

Accordingly, it is

**ORDERED** that the Scheduling Orders in these proceedings (IPR2014-00501, Paper 14; IPR2014-00504, Paper 13) are hereby amended as follows:

DUE DATE 4 ..... April 21, 2015

Motion for observation regarding cross-examination of reply witness

Motion to exclude evidence

Request for oral argument

DUE DATE 5 ..... April 24, 2015

Response to observation

Opposition to motion to exclude

DUE DATE 6 ..... April 28, 2015

Reply to opposition to motion to exclude

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**FURTHER ORDERED** that Due Date 7 remains unchanged, and oral argument (if requested) will take place on May 5, 2015.

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