

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ERICSSON INC.,  
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,  
Patent Owner.

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Case IPR2014-00527  
Patent 7,496,674 B2

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Before JOSIAH C. COCKS, WILLIAM A. CAPP, and DAVID C. McKONE,  
*Administrative Patent Judges.*

COCKS, *Administrative Patent Judge.*

INITIAL CONFERENCE SUMMARY

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

### *1. Introduction*

On September 5, 2014, an initial conference call was conducted between respective counsel for the parties and Judges Cocks, Capp, and McKone. Petitioner, Ericsson, Inc., was represented by lead counsel Todd Baker and counsel Robert Mattson. Patent Owner, Intellectual Ventures I LLC., was represented by lead counsel Herbert Hart and counsel Jonathan Sick. The purpose of the call was to determine if the parties have any issues concerning the Scheduling Order (Paper 12), and to discuss any motions contemplated by the parties. Counsel for Patent Owner indicated that a court reporter has been provided for the call. When the transcript becomes available, Patent Owner should file the transcript in this proceeding as an exhibit.

### *2. Related Matters*

As indicated in the Petition, patent 7,496,674 (“the ’674 patent”) is involved in multiple litigation proceedings in the District of Delaware. Paper 1, 4–5. When queried by the panel, Patent Owner indicated that it believed that none of the litigation has been stayed pending the outcome of this *inter partes* review proceeding.

No reexaminations or reissue applications of the ’674 patent have been identified by the parties.

### *3. Scheduling Order*

Neither party indicated any issues with the Scheduling Order. The parties are reminded that, without obtaining prior authorization from the Board, they may

stipulate to different dates for DATES 1–5<sup>1</sup> by filing an appropriate notice with the Board.

#### 4. *Protective Order*

The parties have not discussed a protective order at this time. No protective order has been entered. Should circumstances change, the parties are reminded of the requirement for a protective order when filing a Motion to Seal. 37 C.F.R. § 42.54. If the parties have agreed to a proposed protective order, including the Standing Default Protective Order, 77 Fed. Reg. 48,756, App. B (Aug 14, 2012), they should file a signed copy of the proposed protective order with the motion to seal. If the parties choose to propose a protective order other than or departing from the default Standing Protective Order, they must submit a joint, proposed protective order, accompanied by a red-lined version based on the default protective order in Appendix B to the Board’s Office Patent Trial Practice Guide. *See id.* at 48,769.

#### 5. *Discovery*

The parties are reminded of the discovery provisions of 37 C.F.R. §§ 42.51–52 and Office Trial Practice Guide. *See* 77 Fed. Reg. at 48,761–62. Discovery requests and objections are not to be filed with the Board without prior authorization. The parties may request a conference with the Board if the parties are unable to resolve discovery issues between them. A motion to exclude, which does not require Board authorization, must be filed to preserve any objection. *See* 37 C.F.R. § 37.64, Office Trial Practice Guide, 77 Fed. Reg. at 48,767. There are no discovery issues pending at this time.

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<sup>1</sup> The parties may not stipulate to changes for any other DUE DATE.

Each party may depose experts and affiants supporting the opposing party. The parties are reminded of the provisions for taking testimony found at 37 C.F.R. § 42.53 and the Office Trial Practice Manual at 77 Fed. Reg. at 48,772, App. D.

#### *6. Motions*

The parties are reminded that, except as otherwise provided in the Rules, Board authorization is required before filing a motion. 37 C.F.R. § 42.20(b). A party seeking to file a motion should request a conference to obtain authorization to file the motion. No motions are authorized in this proceeding at this time.

#### *7. Motion to Amend*

Although Patent Owner may file one motion to amend the patent by cancelling or substituting claims without Board authorization, Patent Owner must confer with the Board before filing a motion to amend. 37 C.F.R. § 42.121(a). During the call, Patent Owner indicated that it may file a contingent motion to amend, but was not yet prepared to discuss such a motion with the panel. Should Patent Owner intend to file such a motion, it should arrange a conference call with the panel and opposing counsel in order to satisfy the conferral requirement of 37 C.F.R. § 42.121(a).

#### *8. Settlement*

The parties stated that there is no immediate prospect of settlement that will affect the conduct of this proceeding.

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