

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. AND TELEFONAKTIEBOLAGET
LM ERICSSON,

Petitioner,

v.

INTELLECTUAL VENTURES LLC,

Patent Owner.

Case IPR2014-01185
Patent 7,269,127 B2

Before JUSTIN BUSCH, PETER P. CHEN, and J. JOHN LEE,
Administrative Patent Judges.

CHEN, *Administrative Patent Judge.*

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

Introduction

On February 25, 2015, the initial conference call was held among counsel for the respective parties and Judges Busch, Chen, and Lee. The purpose of the conference call was to discuss any proposed changes to the Scheduling Order and any motions the parties anticipate filing during the trial. We provide the following summary of the conference call.

Schedule

Neither party expressed any issue with the Scheduling Order (Paper 12). The parties are reminded that, without obtaining prior authorization from us, they may stipulate to different dates for DUE DATES 1–5 by filing an appropriate notice. The parties may not stipulate to any other changes to the Scheduling Order without specific authorization from us.

Motions

Prior to the conference call, Patent Owner filed a List of Proposed Motions (Paper 14). Patent Owner indicated it may wish to file a motion to amend under 37 C.F.R. § 42121(a). As we discussed, if Patent Owner determines that it will file a motion to amend, Patent Owner must arrange for a conference call with us to discuss the motion, preferably no later than two weeks prior to filing the motion. *See* 37 C.F.R. § 42.121(a). Additional guidance on motions to amend claims is provided in the Office Patent Trial Practice Guide (*see* 77 Fed. Reg. 48,756, 48,764, 48,766 (Aug. 14, 2012)) and in relevant Board decisions, including *Nichia Corp. v. Emcore Corp.*, Case IPR2012-00005 (PTAB June 3, 2013) (Paper 27); *Idle Free Systems, Inc. v. Bergstrom, Inc.*, Case IPR2012-00027 (PTAB June 11, 2013) (Paper 26) (informative); and *Toyota Motor Corp. v. American Vehicular Sciences LLC*, Case IPR2013-00419 (PTAB March 7, 2014) (Paper 32).

The parties are reminded that Board authorization is required before filing a motion. 37 C.F.R. § 42.20(b). A party seeking to file a motion not authorized previously should request a conference call with us to obtain authorization to file the motion.

Other Matters

As of this date, no protective order has been entered. 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 choose to propose a protective order other than or departing from the default Standing Protective Order, Office Trial Practice Guide, 77 Fed. Reg. 48756, App. B (Aug. 14, 2012), 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, and they must explain why each proposed change to the default Standing Protective Order is necessary. *See id.* at 48769–71.

Finally, the parties indicated that they are unaware of any settlement discussions to date.

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