

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ERICSSON INC. and TELEFONAKTIEBOLAGET LM ERICSSON,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2014-01330
Patent 8,310,993 B2

Before BRIAN J. McNAMARA, DAVID C. McKONE, and
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

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

The Board has reviewed Petitioner’s Request for Rehearing filed in the above-captioned proceeding, which includes assertions regarding the relationship between disclosed elements of U.S. Patent No. 8,572,250 B2 to Rinne et al. (Ex. 1011, “Rinne”) and claims 3 and 9 of U.S. Patent No. 8,310,993 B2 (Ex. 1001, “the ’993 patent”). Req. 7–9. Specifically, Petitioner’s Request asserts that the sets of downlink and uplink transmission resources referenced in column 32, lines 40–43, of Rinne correspond to the claimed *allocations* of downlink and uplink resources in claims 3 and 9 of the ’993 patent.¹ *Id.* at 9.

We seek additional briefing from Patent Owner addressing Petitioner’s interpretation of these elements disclosed in Rinne, and its correspondence with the elements of claims 3 and 9 of the ’993 patent. 37 C.F.R. § 42.20(d). Accordingly, Patent Owner is requested, but not required, to submit a brief addressing the factual assertions Petitioner makes at Section II.B. of the Request for Rehearing regarding the disclosure of Rinne.

Patent Owner shall be limited to five (5) pages, not including the cover sheet or certificate of service, for the brief, which shall be limited strictly to the above issues. Patent Owner is not authorized to introduce any new evidence. Any statements, explanations, or arguments presented in the

¹ Both claims 3 and 9 of the ’993 patent end with the phrase “wherein the *allocation of uplink resources* is at a time interval delayed with respect to the *allocation of downlink resources*” (emphasis added). Petitioner identifies this limitation as part 3(b) of claim 3 and part 9(b) of claim 9. Req. 7. To avoid confusion, we, thus, refer to Petitioner’s nomenclature to identify features recited in claims 3 and 9.

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brief should be supported by the current record.

Petitioner is not authorized to file a response.

Accordingly, it is hereby:

ORDERED that Patent Owner is authorized to file a brief as described
in this Order due on June 6, 2016.

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