

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DIRECTV, LLC
Petitioner,

v.

QURIO HOLDINGS, INC.
Patent Owner.

Cases¹

IPR2016-00993 (Patent 8,102,863 B1)
IPR2016-00994 (Patent 8,879,567 B1)

Before BARBARA A. BENOIT, KERRY BEGLEY, and
JASON J. CHUNG, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

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

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

IPR2016-00993 (Patent 8,102,863 B1)

IPR2016-00994 (Patent 8,879,567 B1)

A conference call was held on June 10, 2016, at approximately 11:30 AM ET. The participants were respective counsel for the parties, DIRECTV, LLC, Petitioner, and QURIO HOLDINGS, INC, Patent Owner, and Judges Benoit, Begley, and Chung. The subject matter of the call was Motions for Joinder (IPR2016-00993, Paper 3; IPR2016-00994, Paper 3), filed by Petitioner in IPR2016-00993 and IPR2016-00994, which seek to join these proceedings with IPR2016-00005 and IPR2016-00080, respectively. DISH Network L.L.C. (“DISH”) is the petitioner in both IPR2016-00005 and IPR2016-00080.

During the conference call, counsel for Petitioner indicated that Petitioner has been in communication with DISH and that both Petitioner and DISH are amenable to joinder. Petitioner also agreed that if joinder is granted, it will not file additional briefing directed to points of disagreement with DISH. Petitioner agreed to confirm both of these items in writing.

Counsel for Patent Owner indicated that Patent Owner was not prepared at this time to waive filing a Preliminary Response. If Patent Owner decides that it will not file a Preliminary Response, Patent Owner is requested to notify the Board promptly.

Currently, Patent Owner’s Preliminary Responses in these proceedings are due August 3, 2015. *See, e.g.*, IPR2016-00993, Paper 4. During the conference call, counsel for Patent Owner indicated that Patent Owner could not accommodate the Board’s request to file its planned Preliminary Responses in early July because its Responses in IPR2016-00005 and IPR2016-00080 were due no later than July 5, 2016 in IPR2016-00005 and July 15, 2016 in IPR2016-00080.

IPR2016-00993 (Patent 8,102,863 B1)

IPR2016-00994 (Patent 8,879,567 B1)

In response to Patent Owner's concerns, and concurrent with this Order, we are issuing an order in those proceedings to change the due date for Patent Owner's Responses to August 15, 2016. Given that the Petitions in the instant proceedings substantively are identical with the instituted grounds in IPR2016-00005 and IPR2016-00080, we are expediting the briefing scheduled for the Patent Owner Preliminary Responses in IPR2016-00993 and IPR2016-00994. The Preliminary Responses in IPR2015-00993 and IPR2016-00994 are now due July 5, 2016. We will then consider Petitioner's motions for joinder promptly after the Preliminary Responses are filed (or waived) to minimize any delays in the schedule, should the Board decide to join the proceedings. It is:

ORDERED that, if Petitioner wishes to maintain its requests for joinder, Petitioner and DISH Network L.L.C. must file a joint notice agreeing to joinder of the above-identified *inter partes* reviews by close of business on Wednesday, June 15, 2016;

FURTHER ORDERED that Petitioner shall confirm in writing in that joint notice that Petitioner understands and agrees that it will not be permitted any separate filings to either points of disagreement with DISH or to any separate arguments in furtherance of those advanced by DISH, if joinder is granted; and

FURTHER ORDERED that Patent Owner may file a Preliminary Response in IPR2016-00993 and a Preliminary Response in IPR2016-00994 no later than July 5, 2016.

IPR2016-00993 (Patent 8,102,863 B1)

IPR2016-00994 (Patent 8,879,567 B1)

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