

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.,
Patent Owner.

Case IPR2017-00437
Patent 6,772,114 B1

Before KEVIN F. TURNER and ROBERT J. WEINSCHENK,
Administrative Patent Judges.

WEINSCHENK, *Administrative Patent Judge.*

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

I. INTRODUCTION

On January 31, 2018, Judges Turner and Weinschenk held a telephone conference call with counsel for Google LLC (“Petitioner”) and counsel for Koninklijke Philips N.V. (“Patent Owner”). A court reporter was present on the conference call. This order summarizes statements made during the conference call. A more complete record may be found in the court reporter’s transcript, which is to be filed by Petitioner as an exhibit.

II. ANALYSIS

Patent Owner requested that we strike Petitioner’s Response to Patent Owner’s Motion for Observations (Paper 25, “Response”). Patent Owner argued that the Response runs afoul of guidance in the Office Patent Trial Practice Guide. Petitioner argued that the Response properly responds to Patent Owner’s Motion for Observations.

After considering the respective positions of the parties, we hereby authorize Patent Owner to file a 5-page motion to strike by February 15, 2018, and we authorize Petitioner to file a 5-page opposition to the motion to strike by March 1, 2018. In the motion to strike, Patent Owner should identify (by page and line numbers) exactly which portions of the Response allegedly are improper. The parties are not permitted to submit any additional arguments regarding the patentability of the challenged claims in the motion to strike or the opposition. Further, no additional evidence may be submitted with the motion to strike or the opposition. If the parties would like us to consider any modifications to the instructions above, the parties should meet and confer and then request a conference call with the panel.

IPR2017-00437
Patent 6,772,114 B1

III. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner may file a 5-page motion to strike by February 15, 2018, in accordance with the instructions above;

FURTHER ORDERED that Petitioner may file a 5-page opposition to the motion to strike by March 1, 2018, in accordance with the instructions above; and

FURTHER ORDERED that no reply is authorized.

IPR2017-00437
Patent 6,772,114 B1

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