

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA SOLUTIONS AND NETWORKS US LLC, and
NOKIA SOLUTIONS AND NETWORKS OY,
Petitioner,

v.

HUAWEI TECHNOLOGIES CO. LTD.,
Patent Owner.

Case IPR2017-00588 (Patent 8,867,339 B2)
Case IPR2017-00657 (Patent 8,031,677 B1)
Case IPR2017-00660 (Patent 9,241,261 B2)
Case IPR2017-00661 (Patent 9,060,268 B2)
Case IPR2017-00695 (Patent 9,235,462 B2)¹

Before TREVOR M. JEFFERSON, JENNIFER MEYER CHAGNON,
MICHELLE N. WORMMEESTER, and CHRISTA P. ZADO,
*Administrative Patent Judges.*²

PER CURIAM.

¹ This order addresses issues common to all cases; therefore, we issue a single order to be entered in each case. The parties are not authorized to use this format without prior authorization.

² This is not an Order from an expanded panel. Instead, Judges Jefferson, Chagnon, and Wormmeester comprise the panel for IPR2017-00588; Judges Jefferson, Wormmeester, and Zado comprise the panel for IPR2017-00657; and Judges Chagnon, Wormmeester, and Zado comprise the panel for each of IPR2017-00660, IPR2017-00661, and IPR2017-00695.

IPR2017-00588 (Patent 8,867,339 B2); IPR2017-00657 (Patent 8,031,677 B1); IPR2017-00660 (Patent 9,241,261 B2); IPR2017-00661 (Patent 9,060,268 B2); IPR2017-00695 (Patent 9,235,462 B2)

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5
Authorizing Motion to File Supplemental Information
37 C.F.R. § 42.123

Petitioner requested a conference call in the above-identified proceedings to seek authorization, pursuant to 37 C.F.R. § 42.123, to submit replacement declarations that include an inadvertently omitted oath or declaration consistent with 37 C.F.R. § 1.68. No conference call will be held at this time.

Rule 37 C.F.R. § 42.123 relates to the filing of supplemental information. According to 37 C.F.R. § 42.123(a)(1), a “request for the authorization to file a motion to submit supplemental information is made within one month of the date the trial is instituted.” In each proceeding, more than one month has passed since the institution of trial. Late submission of supplemental information is governed by 37 C.F.R. § 42.123(b), which states:

A party seeking to submit supplemental information more than one month after the date the trial is instituted, must request authorization to file a motion to submit the information. The motion to submit supplemental information must show why the supplemental information reasonably could not have been obtained earlier, and that consideration of the supplemental information would be in the interests-of-justice.

(emphasis added).

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The panel in each proceeding has considered Petitioner's request and has decided to authorize briefing on the question of whether Petitioner may submit, as supplemental information, replacement declarations to include an oath or declaration consistent with 37 C.F.R. § 1.68. Petitioner is authorized to file a seven (7)-page Motion to File Supplemental Information, in each proceeding, no later than December 29, 2017. Patent Owner is authorized to file a seven (7)-page Opposition to Petitioner's Motion, in each proceeding, no later than January 12, 2018. No reply is authorized at this time.

Accordingly, it is:

ORDERED that Petitioner is authorized to file a Motion to File Supplemental Information, in each proceeding, no later than December 29, 2017. The Motion is limited to seven (7) pages; and

FURTHER ORDERED that Patent Owner is authorized to file an Opposition to Petitioner's Motion to File Supplemental Information, in each proceeding, no later than January 12, 2018. The Opposition is limited to seven (7) pages.

IPR2017-00588 (Patent 8,867,339 B2); IPR2017-00657 (Patent 8,031,677 B1); IPR2017-00660 (Patent 9,241,261 B2); IPR2017-00661 (Patent 9,060,268 B2); IPR2017-00695 (Patent 9,235,462 B2)

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