

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TECHNICAL CONSUMER PRODUCTS, INC., NICOR INC.,
and AMAX LIGHTING,
Petitioner,

v.

LIGHTING SCIENCE GROUP CORP.,
Patent Owner.

Case IPR2017-01280 (Patent 8,967,844 B2)
Case IPR2017-01285 (Patent 8,672,518 B2)
Case IPR2017-01287 (Patent 8,201,968 B2)^{1, 2}

Before KEVIN F. TURNER, PATRICK M. BOUCHER, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

SECOND SUPPLEMENTAL ORDER
Trial Hearing
37 C.F.R. § 42.70

¹ This Order pertains to all of these cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

² IPR2018-00261 and IPR2018-00271 are joined with IPR2017-01280, IPR2018-00262 and IPR2018-00270 are joined with IPR2017-01285, and IPR2018-00263 and IPR2018-00269 are joined with IPR2017-1287.

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IPR2017-01285 (Patent 8,672,518 B2)
IPR2017-01287 (Patent 8,201,968 B2)

Further to our trial hearing orders of June 26 and July 18, 2018, in proceedings IPR2017-01280, IPR2017-01285, and IPR2017-01287, we supplement those orders as follows.

On August 9, 2018, counsel for Petitioner sent an email to Trials@uspto.gov requesting that we further modify DUE DATE 7, the date of oral argument in each of these cases. DUE DATE 7 had been modified previously to August 20, 2018, in our orders of June 26, 2018. Petitioner represented that “Counsel who will be arguing for Petitioner[] (and [its] primary counsel)” suffered “an unexpected medical incident” that would require several weeks of recovery. Accordingly, Petitioner proposed a number of dates to reschedule DUE DATE 7 in mid-to late-October. Petitioner represented that Patent Owner was amenable to the schedule change.

A conference call was held on August 10, 2018, among respective counsel for Petitioner and Patent Owner, and Judges Turner, Boucher, and Hudalla. The purpose of the call was to discuss Petitioner’s request to further modify DUE DATE 7. We explained that Petitioner’s proposed dates in October were too late in the schedule to allow us to meet our statutory deadline of issuing a final written decision within one year of institution. *See* 35 U.S.C. § 316(a)(11). We further explained that, given the availability of alternative counsel-of-record for Petitioner to argue these cases, a good-cause extension of the one-year deadline would be highly unlikely. Accordingly, we instructed the parties to send an email to the Board with available dates for oral argument reflecting a one-or two-week

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extension of time to allow alternative counsel for Petitioner to prepare for argument.

Based on the parties' emailed response of August 13, 2018, we modify DUE DATE 7 in each of these cases to September 6, 2018. The hearing will commence at 1:00 PM on that date in Hearing Room "D" on the ninth floor of Madison Building East, 600 Dulany Street, Alexandria, Virginia. All deadlines in our trial hearing orders of June 26, 2018, pertaining to demonstratives, confidential information, etc., are reset based on this new date.

For the reasons given, it is

ORDERED that DUE DATE 7 in each of these cases is modified to September 6, 2018.

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