

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

Case IPR2017-01797 (Patent 8,724,622 B2)
Case IPR2017-01798 (Patent 8,724,622 B2)
Case IPR2017-01799 (Patent 8,199,747 B2)
Case IPR2017-01800 (Patent 8,243,723 B2)
Case IPR2017-01801 (Patent 8,995,433 B2)
Case IPR2017-01802 (Patent 7,535,890 B2)

Before JENNIFER S. BISK, MIRIAM L. QUINN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

PER CURIAM.

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

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Petitioner's Request for Pre-Hearing Conference

By email message dated October 25, 2018, Petitioner requested a pre-hearing conference call with the Board to discuss Petitioner's objections to alleged new arguments and evidence included in Patent Owner's demonstrative exhibits for the hearing scheduled for October 30, 2018, in the captioned cases, or, in the alternative, for additional time at the hearing to address those objections. Patent Owner responded the same day, contending that a pre-hearing call is not warranted at least because there has been no meet and confer between the parties directed at limiting the set of issues, the hour per side granted by the Board for oral argument should allow sufficient time for the parties to articulate any objections, the Board's Hearing Order provides that it typically reserves rulings on objections until the hearing or ruling, and there is limited time available between now and the hearing.

We have considered the parties' respective arguments and agree with Patent Owner that a pre-hearing call is not warranted here. As set forth in the Hearing Order, the parties were to confer regarding any objections to demonstrative exhibits, and, "[f]or any issue regarding the proposed demonstrative exhibits that cannot be resolved after conferring with the opposing party, the parties may file jointly a one-page list of objections at least five business days prior to the hearing." *See, e.g.*, IPR2017-01797, Paper 23, 3. Petitioner has not disputed Patent Owner's assertion that there has been no meet and confer between the parties, but we are in receipt of the parties' Joint Filing of Objections to Demonstratives (e.g., IPR2017-01797, Paper 25) and will entertain the parties' arguments regarding their

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objections at the oral hearing. We will make a determination at the hearing whether additional time should be granted to the parties for such arguments.

Construction of the Claim Term “Instant Voice Message”

The term “instant voice message” is recited, either expressly or by virtue of claim dependency, in each of the claims challenged in the captioned proceedings. In Cases IPR2017-01427 and IPR2017-01428, involving the same patent as captioned proceeding IPR2017-01801; and Cases IPR2017-01667 and IPR2017-01668, involving the same patent as captioned proceedings IPR2017-01797 and IPR2017-01798, we ordered additional briefing from the parties in those cases (i.e., Facebook, Inc., WhatsApp, Inc., and LG Electronics, Inc., Huawei Device Co., Ltd., and Patent Owner) regarding proposed alternative constructions of “instant voice message” that were advanced during an oral hearing held in those cases on August 30, 2018. *See* IPR2017-01427, Paper 41; IPR2017-01428, Paper 35; IPR2017-01667, Paper 32; IPR2017-01668, Paper 30. Those proposed alternative constructions were, specifically, “data structure including a representation of an audible message” and “data content including a representation of an audio message, not precluding the inclusion of fields.” *Id.* We hereby place the parties on notice that we intend to address those alternative constructions at the October 30, 2018, hearing in the captioned proceedings and that the parties should be prepared to discuss those constructions.

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For PETITIONER

Naveen Modi
Joseph E. Palys
Phillip W. Citroën
Michael A. Wolfe
PAUL HASTINGS LLP
naveenmodi@paulhastings.com
josephpalys@paulhastings.com
phillipcitroen@paulhastings.com
michaelwolfe@paulhastings.com
PH-Samsung-Uniloc-IPR@paulhastings.com

For PATENT OWNER

Brett Mangrum
James Etheridge
Jeffrey Huang
Ryan Loveless
ETHERIDGE LAW GROUP
brett@etheridgelaw.com
jim@etheridgelaw.com
jeff@etheridgelaw.com
ryan@etheridgelaw.com

Sean D. Burdick
UNILOC USA, INC.
sean.burdick@unilocusa.com