

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

IBEX PT HOLDINGS CO., LTD.,
Patent Owner.

Cases IPR2018-00092, IPR2018-00094 (Patent 9,025,688 B2)
Cases IPR2018-00093, IPR2018-00095 (Patent 8,774,279 B2)¹

Before LYNNE E. PETTIGREW, BARBARA A. PARVIS, and
KIMBERLY McGRAW, *Administrative Patent Judges*.

PETTIGREW, *Administrative Patent Judge*.

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

¹ We issue a single order in these four proceedings for convenience.

IPR2018-00092, IPR2018-00094 (Patent 9,025,688 B2)
IPR2018-00093, IPR2018-00095 (Patent 8,774,279 B2)

On June 1, 2018, the Board received an email message from Petitioner's counsel requesting authorization to file a motion to submit supplemental information under 37 C.F.R. § 42.123(a) in each of these proceedings. Ex. 3001. Petitioner asserts that the request satisfies the requirements of § 42.123(a) because (1) it was made within one month of the date trial was instituted, and (2) the supplemental information it seeks to submit is relevant to a claim for which trial was instituted because it relates to the public availability of prior art references relied upon in the instituted grounds. *Id.* Petitioner states that the supplemental information it seeks to submit will be similar in quantity and content to the evidence that is the subject of Petitioner's pending motions to submit supplemental information in related cases IPR2018-00011 and IPR2018-00012. *Id.*

Patent Owner opposes Petitioner's request for authorization to file a motion to submit supplemental information because Petitioner has not identified the exact type or number of exhibits it seeks to submit. *Id.*

In view of Petitioner's representation that the supplemental information it seeks to submit is similar in quantity and content to the supplemental information it seeks to submit in IPR2018-00011 and IPR2018-00012, we grant Petitioner's request for authorization to file a motion to submit supplemental information under 37 C.F.R. § 42.123(a) in each proceeding. We also authorize Patent Owner to file an opposition to Petitioner's motion in each proceeding. Petitioner's motion and Patent Owner's opposition in each proceeding should specifically address the standard for granting a motion pursuant to 37 C.F.R. § 42.123(a), including what, if anything, Petitioner must show beyond the requirements set forth in 37 C.F.R. § 42.123(a)(1) and (2). Pursuant to the parties' agreement (*see*

IPR2018-00092, IPR2018-00094 (Patent 9,025,688 B2)
IPR2018-00093, IPR2018-00095 (Patent 8,774,279 B2)

Ex. 3001), Petitioner's motion shall be filed no later than one week from the date of this order, Patent Owner's opposition shall be filed no later than two weeks from the date of this order, and Petitioner's motion and Patent Owner's opposition in each proceeding shall be limited to ten (10) pages. We also authorize Petitioner to submit with its motion the proposed supplemental information, filed as exhibits in each proceeding. Such exhibits will not be considered part of the record unless later entered as evidence by explicit order of the Board.

ORDER

Accordingly, it is:

ORDERED that Petitioner's request for authorization to file a motion to submit supplemental information is *granted*;

FURTHER ORDERED that Petitioner shall file its motion in each proceeding no later than one week from the date of this order;

FURTHER ORDERED that Patent Owner shall file its opposition in each proceeding no later than two weeks from the date of this order;

FURTHER ORDERED that the motion and opposition in each proceeding shall be no longer than ten (10) pages;

FURTHER ORDERED that any proposed supplemental information submitted as exhibits is provided merely for consideration of the motion for supplemental information, will not be entered as evidence of record, and shall not be cited in any paper, other than papers filed in accordance with this Order, unless later entered by explicit order of the Board; and

FURTHER ORDERED that no reply by Petitioner is authorized at this time.

IPR2018-00092, IPR2018-00094 (Patent 9,025,688 B2)
IPR2018-00093, IPR2018-00095 (Patent 8,774,279 B2)

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