

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FUJIAN SANAN GROUP CO., LTD.,  
Petitioner,

v.

NICHIA CORPORATION,  
Patent Owner.

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Case IPR2018-00547  
Patent 8,120,057

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Before WILLIAM V. SAINDON, STACEY G. WHITE, and  
NATHAN A. ENGELS, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

ORDER

Authorizing Briefing on Patent Owner's Motion for Additional Discovery  
*37 C.F.R. §§ 42.20(b); 42.51(b)(2)*

This proceeding is in its preliminary stage. Petitioner's Petition (Paper 1) has been filed and accorded a filing date. Paper 5 (Notice of Accorded Filing Date). Patent Owner has yet to file (or waive) its preliminary response.

On April 11, 2018, the panel held a conference call with the parties to discuss Patent Owner's request for authorization to file a motion for additional discovery. Patent Owner alleges that one or more entities that have been served with a complaint alleging infringement of the patent challenged in the Petition may be a real party-in-interest, and Patent Owner asserts that if such an entity is found to be a real party-in-interest, the Petition may be time-barred. Patent Owner alleges that its discovery motion, if authorized, would allow the panel to have sufficient evidence to make the appropriate determinations regarding the alleged real party-in-interest, which would be a potentially case-dispositive issue. Upon discussion with the parties, we authorized Patent Owner to file its Motion for Additional Discovery by April 18<sup>th</sup>, containing no more than 10 pages, and Petitioner to file its Opposition by April 25<sup>th</sup>, containing no more than 10 pages. No reply was authorized at the time.

It is so ORDERED.

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