

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SPEAKWARE, INC.,
Patent Owner.

Case IPR2019-00340 (Patent 6,397,186 B1)
Case IPR2019-00342 (Patent 6,397,186 B1)¹

Before DEBRA K. STEPHENS, DAVID C. MCKONE, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

¹ These cases have not been joined or consolidated. Rather, this Order governs each case based on common issues. The parties shall not employ this heading style.

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I. INTRODUCTION

On March 26, 2019, Judges Stephens, McKone, and Weinschenk held a telephone conference call with counsel for Google LLC (“Petitioner”) and counsel for SpeakWare, Inc. (“Patent Owner”). This Order summarizes statements made during the conference call.

II. ANALYSIS

Petitioner requested authorization to file a reply to Patent Owner’s preliminary response in each of the above-listed proceedings. Specifically, Petitioner seeks to respond to Patent Owner’s arguments that the petitions attempt to circumvent the word count and that the petitions raise substantially the same prior art or arguments previously presented to the Office. Petitioner argued that good cause exists for the requested reply because 1) Petitioner could not have foreseen Patent Owner’s arguments; 2) the requested reply would promote fairness and efficiency; and 3) the requested reply would not prejudice Patent Owner. Patent Owner opposed Petitioner’s request. Patent Owner responded that Petitioner could have foreseen Patent Owner’s arguments and that fairness, efficiency, and prejudice are not part of the good cause analysis.

After considering the positions of the parties, we authorized Petitioner to file a 7-page reply in each of the above-listed proceedings by April 2, 2019. The scope of the reply is limited to addressing Patent Owner’s arguments that the petitions attempt to circumvent the word count and that the petitions raise substantially the same prior art or arguments previously presented to the Office. We also authorized Patent Owner to file a 7-page sur-reply in each of the above-listed proceedings by April 9, 2019. The scope of the sur-reply is limited to addressing Petitioner’s arguments in the

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reply. The reply and sur-reply may cite to evidence already of record, but the parties may not submit any new evidence with the reply or sur-reply.

III. ORDER

It is hereby

ORDERED that Petitioner's request for authorization to file a reply to the preliminary response in each of the above-listed proceedings is *granted*;

FURTHER ORDERED that Petitioner may file a 7-page reply to the preliminary response in each of the above-listed proceedings by April 2, 2019, in accordance with the instructions above; and

FURTHER ORDERED that Patent Owner may file a 7-page sur-reply to the reply in each of the above-listed proceedings by April 9, 2019, in accordance with the instructions above.

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PETITIONER:

Erika H. Arner

Daniel C. Tucker

Alexander M. Boyer

Jency Mathew

FINNEGAN, HENDERSON, FARABOW, GARRETT, & DUNNER LLP

erika.arner@finnegan.com

daniel.tucker@finnegan.com

alexander.boyer@finnegan.com

jency.mathew@finnegan.com

PATENT OWNER:

Sean A. Luner

Simon Franzini

DOVEL & LUNER, LLP

sean@dovel.com

simon@dovel.com