

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.
Petitioner

v.

SIGHTSOUND TECHNOLOGIES, LLC
Patent Owner

Case CBM2013-00019 (Patent 5,191,573)
Case CBM2013-00020 (Patent 5,191,573)
Case CBM2013-00021 (Patent 5,966,440)
Case CBM2013-00023 (Patent 5,966,440)¹

Before MICHAEL P. TIERNEY, JUSTIN T. ARBES, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

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

¹ This Order addresses an issue that is identical in the four cases. We therefore exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

Cases CBM2013-00019 and CBM2013-00020 (Patent 5,191,573)
Cases CBM2013-00021 and CBM2013-00023 (Patent 5,966,440)

A conference call was held on May 30, 2013 between respective counsel for Petitioner and Patent Owner, and Judges Tierney, Arbes, and Braden. Petitioner requested the conference call to seek authorization to file a motion to expedite the four instant proceedings by reducing the time period for Patent Owner to file preliminary responses from three months to two months. *See* 37 C.F.R. §§ 42.5(c)(1), 42.207(b). According to Petitioner, Patent Owner should be able to respond quickly to the issues presented in the petitions because only seven claims of two patents are being challenged, the patents previously were subject to *ex parte* reexamination and litigated in two cases, and Patent Owner currently is asserting the patents in litigation against Petitioner. Petitioner further represented that while the specific prior art references now being asserted were not at issue in the reexaminations, a related system was considered.

Patent Owner opposed Petitioner's request, arguing that the four petitions and accompanying documents amount to over 10,000 pages that need to be reviewed for Patent Owner to be able to respond. Patent Owner also indicated that there is an ongoing dispute between the parties as to whether the attorneys representing Patent Owner in the pending litigation can also participate in the instant proceedings due to a protective order in the litigation, and as a result the two attorneys currently representing Patent Owner do not have background knowledge from the litigations and reexaminations.

Given the voluminous record of over 10,000 pages of documents, as well as the dispute over what attorneys may represent Patent Owner, at this time we will not exercise our discretion to change Patent Owner's time period for filing preliminary responses. The parties, however, are

Cases CBM2013-00019 and CBM2013-00020 (Patent 5,191,573)

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encouraged to reach agreement as to Patent Owner's representation and the scheduling of preliminary responses to ensure that the instant proceedings proceed in a timely manner. Should the parties reach an agreement whereby Patent Owner will file preliminary responses earlier than the three month deadline provided by rule, the parties shall notify the Board.

In consideration of the foregoing, it is hereby:

ORDERED that no motion is authorized and the time period for Patent Owner to file preliminary responses, should it choose to do so, is not changed.

Cases CBM2013-00019 and CBM2013-00020 (Patent 5,191,573)
Cases CBM2013-00021 and CBM2013-00023 (Patent 5,966,440)

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