

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOTOROLA MOBILITY LLC
Petitioner,

v.

Patent of **MICHAEL ARNOUSE**
Patent Owner.

Case IPR2013-00010 (MT)
Patent 7,516,484

Before **MICHAEL P. TIERNEY**, and **JONI Y. CHANG**, and **JENNIFER S. BISK**,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

ORDER
Authorizing Briefing – 37 C.F.R. § 42.20

A conference call was held on January 10, 2013 involving:

1. Ko-Fang Chang and Steven D. Moore, counsel for Motorola
2. Lawrence H. Meier and Thomas D. Kohler, counsel for Arnouse
3. Michael P. Tierney, Joni Y. Chang, and Jennifer S. Bisk, Administrative Patent Judges.

Arnouse filed a patent owner preliminary response on January 7, 2013, raising the issue of statutory construction of 35 U.S.C. § 315(b) (“An inter partes review may not be instituted if the petition requesting the proceeding is filed more than 1 year after the date on which the petition... *is served with a complaint* alleging infringement of the patent.”). At the conference call, the Board offered Motorola the opportunity to brief on this issue so that the record will be clear on its position. Motorola orally provided a short summary, and agreed to file a written brief. The Board also provided Arnouse the opportunity to file a short reply.

Accordingly, it is

ORDERED that Motorola is authorized to file a brief limited to the issue of statutory construction of 35 U.S.C. § 315(b); the page limit for the brief is 5 pages; the brief must be filed no later than January 17, 2013; and

FURTHER ORDERED that Arnouse is authorized to file a reply to Motorola’s brief; the page limit for the reply is 3 pages; the reply must be filed no later than January 22, 2013.

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PETITIONER:

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