

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INNOLUX CORPORATION
Petitioner

v.

SEMICONDUCTOR ENERGY LABORATORY CO., LTD.
Patent Owner

Case IPR2013-00066 (SCM)
Patent 7,876,413 B2

Before SALLY C. MEDLEY, KARL D. EASTHOM, and KEVIN F. TURNER
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

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

On May 22, 2013, the following individuals participated in the initial

conference call:¹

- (1) Mr. Scott McKeown and Mr. Gregory Cordrey, counsel for Innolux;
- (2) Mr. Mark Murphy, Mr. Edward Manzo, Mr. Stanley Schlitter, and Mr. Douglas Peterson, counsel for SEL; and
- (3) Sally Medley, Karl Easthom, and Kevin Turner, Administrative Patent Judges.

Motions List

In preparation for the initial call, SEL filed a motions list. Paper 20. However, Innolux did not. Counsel for Innolux confirmed that Innolux does not seek to file any motions.

Motion to Amend

During the call, counsel for SEL represented that at this time, SEL does not intend to file a motion to amend. As discussed, if SEL determines that it will file a motion to amend, SEL must arrange a conference call soon thereafter with the Board and opposing counsel to discuss the proposed motion to amend.

Motion for Additional Discovery

The parties may agree to additional discovery between themselves and only if they disagree is it necessary to seek Board authorization to file a motion for additional discovery. 37 CFR § 42.51(b)(2). The parties could not agree to the additional discovery SEL seeks, and therefore SEL requests authorization to file a motion for additional discovery. Paper 20 at 3-6.

¹ The initial conference call is held to discuss the Scheduling Order and any motions that the parties anticipate filing during the trial. Office Patent Trial Practice Guide, 77 *Fed. Reg.* 48756, 48765 (Aug. 14, 2012).

The proposed motion for additional discovery appears to be nearly identical to the motion for additional discovery filed in IPR2013-00028 or IPR2013-00038. The motions for additional discovery filed in those two cases were denied. Counsel for the respective parties indicated that they had read and reviewed the decisions in those two cases. In light of the decisions, counsel for SEL indicated that SEL withdraws its request to file a motion for additional discovery in this case. Accordingly, there is no occasion to authorize a motion for additional discovery.

Schedule

Counsel for the respective parties indicated that they have no issues with the Scheduling Order (Paper 11) entered April 24, 2013.

Settlement

There was no report of settlement.

Rehearing Request

Counsel for SEL inquired as to when a decision on SEL's request for rehearing will be rendered. A decision will be rendered in due course. In any event, and as explained, a rehearing request does not toll times for taking action in the proceeding. 37 C.F.R. § 42.71(d).

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Order

It is

ORDERED that no motions are authorized at this time.

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