

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

**SONY CORPORATION OF AMERICA; AXIS COMMUNICATIONS
AB; AXIS COMMUNICATIONS INC.; and
HEWLETT-PACKARD CO.**

Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.

Patent Owner

Case IPR2013-00386

Patent 6,218,930

Before JAMESON LEE, JONI Y. CHANG, and JUSTIN T. ARBES,
Administrative Patent Judges.

ARBES, *Administrative Patent Judge.*

ORDER

Conduct of the Proceedings

37 C.F.R. § 42.5

A conference call in the above proceeding was held on July 11, 2013 between Judges Lee, Chang, and Arbes, respective counsel for Petitioners and Patent Owner, and counsel for Avaya Inc. (“Avaya”), the petitioner in

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Case IPR2013-00071. The purpose of the call was to discuss Petitioners' request for authorization to file a reply to the oppositions filed by Patent Owner and Avaya to Petitioners' motion for joinder. *See* IPR2013-00071, Papers 33, 35; IPR2013-00386, Paper 5.

Petitioners stated that their reply would include additional argument responding to:

- (1) the arguments made by Patent Owner and Avaya in their oppositions regarding the language of 35 U.S.C. § 315 and its legislative history;
- (2) concerns raised in the oppositions over the potential impact to the schedule in Case IPR2013-00071 should Petitioners' motion for joinder be granted; and
- (3) the arguments made by Avaya in its opposition regarding an alleged distinction between Hewlett-Packard Co. ("HP") and the other three petitioners in the instant proceeding for purposes of joinder.

Patent Owner opposed Petitioners' request, arguing that the Board has all of the information it needs regarding the statutory and scheduling issues to decide the motion for joinder. Avaya stated that it opposes Petitioners' motion for joinder only as to HP, but does not oppose Petitioners' request for authorization to file a reply.

Petitioners have not pointed to any issue raised in the oppositions that reasonably could not have been anticipated earlier and addressed in Petitioners' initial motion. Indeed, Petitioners addressed the language of 35 U.S.C. § 315 and issues pertaining to scheduling in their motion. *See* Paper 5 at 5-8. Further, we have reviewed the oppositions and do not see any point raised therein that renders necessary a reply. The Board is aware of the statute and legislative history and able to assess the impact of any joinder on the schedule in Case IPR2013-00071 without the need for additional

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briefing.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioners are not authorized to file a reply to the oppositions to Petitioners' motion for joinder; and

FURTHER ORDERED that a copy of this Order be entered into the file of Case IPR2013-00071.

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