

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AVAYA INC. and DELL INC.  
Petitioners

v.

NETWORK-1 SECURITY SOLUTIONS, INC.  
Patent Owner

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Case IPR2013-00071<sup>1</sup>  
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 Proceeding  
37 C.F.R. § 42.5

A conference call in the above proceeding was held on August 5, 2013 between Judges Lee, Chang, and Arbes; respective counsel for Petitioners Avaya Inc. (“Avaya”) and Dell Inc. (“Dell”); counsel for Patent

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<sup>1</sup> Case IPR2013-00385 has been joined with this proceeding.

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Owner Network-1 Security Solutions, Inc. (“Network-1”); and counsel for third parties Sony Corporation of America and Hewlett-Packard Company (collectively, “Sony/HP”). Sony/HP requested the call to discuss their intent to file a petition to institute an *inter partes* review of claims 6 and 9 of Patent 6,218,930 (the “930 patent”) along with a motion for joinder with this proceeding.

Sony/HP represented during the call that their petition would include only the grounds of unpatentability on which the Board instituted a trial in this proceeding. Sony/HP argued that joinder would not require any change to the Scheduling Order (Paper 39) in this proceeding and is appropriate because Sony/HP’s request is similar to Dell’s request for joinder in Case IPR2013-00385, which was granted. Avaya and Network-1 stated that they oppose Sony/HP’s request for joinder because joinder would burden the existing parties, impact potentially the trial schedule in this proceeding, and diminish the chances of settlement. Dell stated that it had not yet determined whether it would oppose Sony/HP’s request for joinder.

Subsequently, on August 6, 2013, Sony/HP filed their petition and motion for joinder in Case IPR2013-00495. In their motion, Sony/HP represent that the grounds of unpatentability asserted in their petition are “word-for-word identical” to the grounds asserted by Avaya in the instant proceeding and by Dell in Case IPR2013-00385. *See* IPR2013-00495, Paper 7 at 1, 4, 12.

As discussed during the call, Avaya, Dell, and Network-1 will each be permitted to file an opposition to Sony/HP’s motion for joinder by August 13, 2013. The due date for Network-1 to file a preliminary response in Case IPR2013-00495, should it choose to do so, will be set to August 16, 2013.

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The preliminary response will be limited to addressing only points (if any) raised in Sony/HP's petition that differ from the petitions filed in Cases IPR2013-00071 and IPR2013-00385.

In consideration of the foregoing, it is hereby:

**ORDERED** that Avaya, Dell, and Network-1 are each authorized to file in this proceeding an opposition to Sony/HP's motion for joinder by August 13, 2013, limited to ten pages;

**FURTHER ORDERED** that no replies are authorized;

**FURTHER ORDERED** that Network-1 may file a preliminary response in Case IPR2013-00495 by August 16, 2013. The preliminary response may address only points (if any) raised in Sony/HP's petition that differ from the petitions filed in Cases IPR2013-00071 and IPR2013-00385; and

**FURTHER ORDERED** that a copy of this Order be entered into the file of Case IPR2013-00495.

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