

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XILINX, INC.
Petitioner

v.

INTELLECTUAL VENTURES I LLC
Patent Owner

Case IPR2013-00112 (SCM)
Patent 5,779,334

Before SALLY C. MEDLEY, KARL D. EASTHOM, and
JUSTIN T. ARBES, *Administrative Patent Judges.*

MEDLEY, *Administrative Patent Judge.*

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

The initial conference call was held on July 24, 2013 between respective counsel for Petitioner and Patent Owner, and Judges Medley, Easthom, and Arbes.¹ In preparation for the initial conference call, Petitioner Xilinx, Inc. (“Xilinx”) filed a Notice Re Conference Call indicating that “it does not presently intend to file any motions.” Paper 18. Patent Owner Intellectual Ventures I LLC (“IV”) filed a List of Proposed Motions indicating that it anticipates filing (1) a motion to amend the patent, (2) a motion to exclude evidence, and (3) other motions “as the occasion arises.” Paper 20.

IV intends to file a motion to amend. A discussion was had regarding the Office Patent Trial Practice Guide motion to amend guidelines, along with the guidelines provided in *Idle Free Systems, Inc. v. Bergstrom, Inc.*, IPR2012-00027, Paper 26 (June 11, 2013). The discussion satisfies the requirement that IV confers with the Board prior to filing a motion to amend. 37 C.F.R. § 42.121(a).

Counsel for IV indicated that IV may file a motion to exclude. As explained, prior authorization is not necessary to file a motion to exclude. IV need not seek prior authorization from the Board if it determines to file a motion to exclude. If it so desires, IV may file a motion to exclude at the appropriate juncture. 37 C.F.R. § 42.64(c); Paper 15, DUE DATE 4.

Counsel for IV expressed concern that there is insufficient time to complete the tasks that fall between DUE DATE 3 and DUE DATE 5. The Board encouraged the parties to discuss IV’s concerns and possibly agree to

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).

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shorten DUE DATES 1-3. The Board would consider adjusting DUE DATES 4 and 5, if such an agreement is made. At this time, no adjustment to the schedule is deemed necessary.

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