

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WAVELOCK ADVANCED TECHNOLOGY CO., LTD.
Petitioner

v.

TEXTRON INNOVATIONS INC.
Patent Owner

Case IPR2013-00149
Patent 6,455,138

Before SALLY C. MEDLEY, JOSIAH C. COCKS, and BRYAN F. MOORE,
Administrative Patent Judges.

MEDLEY, *Administrative Patent Judge.*

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

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

conference call:¹

(1) Mr. Mehran Arjomand, counsel for Wavelock Advanced Technology Co., Ltd. (“Wavelock”);

(2) Mr. Patrick Doody and Mr. Bryan Collins, counsel for Textron Innovations Inc. (“Textron”); and

(3) Sally Medley, Josiah Cocks, and Bryan Moore, Administrative Patent Judges.

Motions

In preparation for the initial call, both parties filed a motions list. Papers 10 and 13. The parties’ respective lists were discussed. Wavelock seeks authorization to file a motion to designate an additional back-up counsel. Paper 13 at 1. There is no need to file a motion in that regard. Wavelock may add an additional backup counsel through PRPS, file a power of attorney if necessary, and provide a notice update. 37 C.F.R. § 42.8.

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

Counsel for Textron sought clarification regarding compelling the testimony of a third party witness. A party seeking such discovery must first file a motion for additional discovery. Prior authorization is necessary prior to filing such a motion.

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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If such a motion is granted, then the Board would provide further instructions to the party seeking to compel the testimony. At this time, however, the Board understands that Textron does not seek authorization to file a motion for additional discovery.

Schedule

Counsel for the respective parties indicated that they have no issues with the Scheduling Order (Paper 9) entered August 1, 2013.

Settlement

A general discussion was had regarding settlement. At this time, the parties have no report of a settlement agreement.

Order

It is

ORDERED that no motions are authorized at this time.

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