

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MOTOROLA MOBILITY LLC  
Petitioner

v.

SOFTVIEW LLC  
Patent Owner,

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Case IPR2013-00256  
Patent 7,461,353

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Before, SCOTT R. BOALICK, BRYAN F. MOORE and,  
BRIAN J. McNAMARA, *Administrative Patent Judges.*

McNAMARA, *Administrative Patent Judge.*

**ORDER SETTING DUE DATE FOR PATENT OWNER PRELIMINARY  
RESPONSE**

***Conduct of the Proceeding***  
**37 C.F.R. § 42.05**

Motorola Mobility LLC (Motorola) filed a Petition for *Inter Partes* Review of U.S. Patent 7,461,353 (the '353 Patent) on April 29, 2013 (the instant petition). With its Petition, Motorola filed a Motion for Joinder with *Kyocera Corporation v. SoftView LLC*, Case IPR2013-00007 (the Kyocera IPR). In its Motion For Joinder, Motorola represented that the instant petition asserts the same grounds of unpatentability on which the Board had instituted the Kyocera IPR. Motion For Joinder, p. 4-5.

On May 1, 2013, during a previously scheduled initial telephone conference in the Kyocera IPR, the Board authorized Kyocera and SoftView to file oppositions to Motorola's Motion for Joinder. Both SoftView and Kyocera timely filed oppositions to Motorola's Motion for Joinder. Citing statements that differ somewhat from those in the petition which led us to institute the Kyocera IPR, SoftView's opposition to joining Motorola to the Kyocera IPR argues that the instant petition includes new grounds of patentability. Softview Opp. pp. 5-6.

On May 29, 2013 the Board conducted a teleconference with counsel for Kyocera, Motorola, and SoftView during which this matter and Motorola's motion to join IPR2013-00257 to IPR2013-00004 were discussed. During the May 29, 2013 teleconference, counsel for Motorola explained that in a few instances,

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Motorola's petition cites additional text in the same references to support the same grounds of unpatentability as those on which the Board instituted the Kyocera IPR. A review of the instant petition confirms that it is limited to asserting the same grounds of unpatentability as those on which the Kyocera IPR was instituted. Counsel for SoftView agreed during the May 29, 2013 teleconference that a Patent Owner's Preliminary Response limited to the few specific points which are different in the instant petition from the Kyocera IPR would allow Softview to assert its positions on the record. During the May 29, 2013 teleconference, the Board set June 17, 2013 as the last date for SoftView to file a Patent Owner's Preliminary Response to the instant petition as well as Motorola's petition in IPR2013-00257.

It is **ORDERED** that not later than June 17, 2013, SoftView may exercise its option to file a Preliminary Patent Owner's Response addressing only those specific points raised in the instant petition that are different from those in the Kyocera IPR.

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