

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., LINKEDIN CORP., and TWITTER, INC.
Petitioner

v.

SOFTWARE RIGHTS ARCHIVE, LLC
Patent Owner

Cases IPR2013-00478 (Patent 5,544,352)
IPR2013-00479 (Patent 5,832,494)
IPR2013-00480 (Patent 5,832,494)
IPR2013-00481 (Patent 6,233,571)

Before SALLY C. MEDLEY, CHRISTOPHER L. CRUMBLEY, and
BARBARA A. PARVIS, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

IPR2013-00478 (Patent 5,544,352)
IPR2013-00479, -00480 (Patent 5,832,494)
IPR2013-00481 (Patent 6,233,571)

On February 26, 2014, the initial conference call¹ was held among counsel for the respective parties and Judges Medley, Crumbley, and Parvis.

Motions

Neither party seeks authorization to file a motion at this time. Counsel for Patent Owner indicated that, with respect to the -00480 proceeding, Patent Owner may request cancellation of some or all of dependent claims 8, 10, 11, 35, and 40 of the '494 patent. If Patent Owner determines that it will cancel claims, it may do so through a motion to amend. The initial call satisfies the requirement that the Patent Owner confer with the Board prior to filing a motion to amend. No amendments to the claims, other than cancelling claims, may be made to any of the claims of the involved patents, because all of the involved patents are expired.

Filing of Supplemental Evidence/Information

The Board provided the following guidance to address the potential issues raised in the Petitioner's lists. Any objection to evidence must be served, but not filed. 37 C.F.R. § 42.64(b)(1). Moreover, a party seeking to file supplemental evidence under 37 C.F.R. § 42.64(b)(2) must receive Board authorization to file such evidence, because the rule contemplates serving such evidence, but not filing such evidence. Likewise, a party seeking to file supplemental information under 37 C.F.R. § 42.123, must receive Board authorization to do so.

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. 48,756, 48,765 (Aug. 14, 2012).

IPR2013-00478 (Patent 5,544,352)
IPR2013-00479, -00480 (Patent 5,832,494)
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Expungement of filed papers listing objections

As explained above, any objection to evidence must be served, but not filed. 37 C.F.R. § 42.64(b)(1). Patent Owner filed papers in each of the proceedings, listing objections to Petitioner's evidence. *See, e.g.*, IPR2013-00478, Paper 21. The papers will be expunged from the record. 37 C.F.R. § 42.7(a).

Rehearing Request

Petitioner filed a rehearing request in the -00478 case. IPR2013-00478, Paper 22. No further briefing on the issues raised there was requested or authorized. A decision on the rehearing request will be made in due course.

Schedule

Counsel for the Patent Owner alerted the Board and opposing counsel that Patent Owner's witness is unavailable from June 13-July 31. The parties are working together to accommodate the witness's schedule. No other issues were raised regarding the Scheduling Orders entered February 3, 2014.

Settlement

The parties indicated that they have nothing to report with respect to settlement.

IPR2013-00478 (Patent 5,544,352)
IPR2013-00479, -00480 (Patent 5,832,494)
IPR2013-00481 (Patent 6,233,571)

Order

It is

ORDERED that no additional motions are authorized at this time; and
FURTHER ORDERED that the Patent Owner's Objections to
Evidence (IPR2013-00478, Paper 21; IPR2013-00479, Paper 22; IPR2013-
00480, Paper 22; and IPR2013-00481, Paper 20) are expunged from the
record.

IPR2013-00478 (Patent 5,544,352)
IPR2013-00479, -00480 (Patent 5,832,494)
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