Paper No. _____
Filed: May 1, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION
Petitioner

v.

TPK TOUCH SOLUTIONS INC.
Patent Owner

Case IPR2013-00567
Case IPR2013-00568
Case IPR2014-00541
Patent 8,217,902

Joint Motion To Modify Schedule

I. Introduction and Statement of Relief Requested

Pursuant to the Board's order dated April 23, 2014 (Paper No. 18 in IPR2013-00567), Petitioner Wintek Corp. ("Wintek" or "Petitioner") and Patent Owner TPK Touch Solutions Inc. ("TPK" or "Patent Owner") have conferred and jointly propose modifying the schedules for the IPR2013-00567, IPR2013-00568, and IPR2014-00541 proceedings. The parties request that the Board grant this motion and enter the schedules proposed in this motion.

II. Background

The IPR2013-00567, IPR2013-00568, and IPR2014-00541 proceedings involve U.S. Patent No. 8,217,902. The Board instituted trials in the IPR2013-00567 and IPR2013-00568 on February 27, 2014. On March 26, 2014, Wintek filed the petition corresponding to the IPR2014-00541 proceeding. Wintek also filed a motion for joinder, requesting joinder of IPR2014-00541 to IPR2013-00567 and IPR2013-00568.

During a conference call on April 14, 2014, Wintek requested that the schedule of the IPR2014-00541 proceeding be modified so as to align it with the schedules of the IPR2013-00567 and IPR2013-00568 proceedings. As support for the request, Wintek directed the Board to a separate *inter partes* review proceeding, *Ariosa Diagnostics v. Isis Innovation Limited*, IPR2013-00250 ("*Ariosa*"). In response to that request and after another conference call on April

21, 2014, the Board ordered the parties to meet and confer and attempt to reach an agreement on the schedules for these proceedings. *See e.g.,* Paper No. 18 in IPR2013-00567.

Pursuant to the Board's order, the parties have met and conferred and have reached an agreement regarding the schedules. Specifically, TPK has agreed not to oppose Wintek's motion for joinder and the parties have agreed to the following schedules:

IPR2014-00541

1. Patent Owner's preliminary response will be due on May 23, 2014.

2. The parties will follow the schedule listed below for IPR2013-00567 and IPR2013-00568 if the Board institutes trial in IPR2014-00541.

IPR2013-00567 and IPR2013-00568

The parties propose the following schedule:

Due Date 1: June 20, 2014

Due Date 2: September 5, 2014

Due Date 3: October 10, 2014

Due Date 4: October 31, 2014

Due Date 5: November 14, 2014

Due Date 6: November 21, 2014

Due Date 7: December 12, 2014

III. Reasons for Granting the Motion

The parties jointly request that the Board adopt the above proposed schedules. The parties have followed the guidance provided in *Ariosa* to arrive at the schedules. The proposed schedules attempt to take into account time for the Board to decide whether to institute *inter partes* review in IPR2014-00541 following Patent Owner's preliminary response. The proposed schedule for IPR2013-00567 and IPR2013-00568 take into account additional time to accommodate discovery for all three matters, while attempting to provide the Board time to meet its requirement to meet the one-year statutory deadline to issue a final written decision in these matters.

Aligning the schedules as the parties have proposed will help secure the just, speedy and inexpensive resolution of the proceedings. *See* 37 C.F.R. 42.1(b). For instance, like in *Ariosa*, aligning the schedules will allow the parties to coordinate discovery (e.g., a single deposition of any declarants) in these proceedings. Furthermore, just as in *Ariosa*, the proposed schedules allow the Board sufficient time to render a final written decision within one year from institution.

IV. Conclusion

For at least these reasons, the parties request that the Board grant this motion and enter an order consistent with the proposed schedules presented in this motion.

Respectfully submitted,

Dated: May 1, 2014

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