

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WINTEK CORPORATION,
Petitioner,

v.

TPK TOUCH SOLUTIONS,
Patent Owner.

Case IPR2013-00567
Case IPR2014-00541¹
Case IPR2013-00568²
Patent 8,217,902

Before TONI R. SCHEINER, JOSIAH C. COCKS, and RICHARD E. RICE,
Administrative Patent Judges.

COCKS, *Administrative Patent Judge.*

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

¹ IPR2014-00541 has been joined with IPR2013-00567. *See* IPR2013-00567, Paper 23.

² This Order addresses matters pertaining to all identified proceedings. Therefore, we exercise our discretion to issue one Order to be filed in each of IPR2013-00567 and IPR2013-00568. The parties are not authorized to use this style heading for any subsequent papers.

1. Introduction

Patent Owner, TPK Touch Solutions Inc. (“TPK”), contacted Board personnel concerning two matters of the involved proceedings. First, TPK informed the Board that the parties have conferred and reached agreement as to the Protective Orders submitted in IPR2013-00567 (Exhibit 2024 (clean) and Exhibit 2025 (marked-up)) and IPR2013-00568 (Exhibit 2024 (clean) and Exhibit 2025 (marked-up)). Second, TPK informed the Board that certain Exhibits in both cases were submitted to the Board’s Patent Review Processing System (“PRPS”) a few minutes after midnight of the June 27, 2014 deadline³ due to technical difficulties of the PRPS system, as well as TPK’s own computer system. TPK requested that the Board regard the pertinent Exhibits as having been filed timely, and represented that Petitioner, Wintek Corporation, (“Wintek”), had no objection to the request.

In inquiring about the two above-noted matters, TPK indicated that it was available for a conference call with the Board.

2. Discussion

The panel has determined that no conference call is necessary at this time regarding the above-noted matters. We understand that the proposed Protective Orders in IPR2013-00567 (Exhibit 2024) and IPR2013-00568 (Exhibit 2024) deviate from the default Standing Protective Order (*see* Office Trial Practice Guide, 77 Fed. Reg. 48,756, App. B (Aug. 14, 2012)), but the Protective Orders are

³ DUE DATE 1 (*see* Notice of Stipulation to Adjust Schedule, IPR2013-00567, Paper 24 and IPR2013-00568, Paper 25).

proposed jointly in each case and accompanied by a red-lined version (Exhibits 2025) as is required.⁴

In connection with the issue of the Exhibits having been filed after June 27, 2014, we observe that Exhibit 2013 in IPR2013-00567 and Exhibits 2013, 2015, 2016, 2018, 2021, 2022, and 2023 in IPR2013-00568 were filed after midnight of June 27, 2014 so as to be accorded a filing date of June 28, 2014 in PRPS. Given the particular circumstances surrounding the filing of the Exhibits, and in the absence of any opposition by Wintek, we regard the above-noted Exhibits as timely filed.

3. Order

It is

ORDERED that the Board understands that the proposed Protective Orders filed in each of IPR2013-00567 (Exhibits 2024 and 2025) and IPR2013-00568 (Exhibits 2024 and 2025) are proposed jointly by the parties; and

FURTHER ORDERED that Exhibit 2013 in IPR2013-00567 and Exhibits 2013, 2015, 2016, 2018, 2021, 2022, and 2023 in IPR2013-00568 are regarded as having been filed timely.

⁴ See Initial Conference Summary, page 3 (IPR2013-00567, Paper 14 and IPR2013-00568, Paper 16).

Cases IPR2013-00567; IPR2013-00568; IPR2014-00541
Patent 8,217,902

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