

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, INC.
Petitioner

v.

CLOUDING IP, LLC
Patent Owner

Case IPR2013-00586
Patent 6,738,799 B2

Before JAMESON LEE, RAMA G. ELLURU, and JUSTIN BUSCH,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

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

Introduction

An initial conference call was held on April 21, 2014, between respective counsel for the parties and Judges Lee, Elluru, and Busch. In that conference call, counsel for Patent Owner requested, based on the information provided in the patent owner preliminary response, the filing of a motion for additional discovery to seek information on whether Google Inc. is a real party-in-interest for the Petitioner. According to counsel for Patent Owner, the discovery sought will be limited in scope and be in the form of five or fewer focused interrogatories. Paper 12. We instructed Patent Owner to file the proposed interrogatories for our consideration of whether to authorize filing of a motion for additional discovery. *Id.* On May 6, 2014, Patent Owner filed the proposed interrogatories. Paper 14.

Discussion

We have considered Patent Owner's proposed interrogatories (Paper 14), and find that they are not "focused" as was represented by counsel for Patent Owner in the conference call of April 21, 2014. For instance, the interrogatories are not limited to questions concerning the filing of *inter partes* review of Patent 6,738,799, but refers generally to challenges of invalidity of Patent 6,738,799 anywhere. Also, with regard to payment of money, the interrogatories inquire about payments by entities other than Google Inc., and ask about payments by Google Inc. not necessarily related to the filing of the petition in this proceeding. Furthermore, proposed Interrogatory 5 is not within the scope of the subject matter discussed on April 21, 2014.

Order

It is

ORDERED that Patent Owner is not authorized to file a motion for additional discovery which includes the proposed interrogatories submitted on May 6, 2014 (Paper 14);

FURTHER ORDERED that counsel for Patent Owner and counsel for Petitioner shall confer about the appropriate scope of additional discovery requested by Patent Owner relating to the issue of whether Google Inc. is a real party-in-interest of Petitioner, and then initiate a conference call with the Board, within one week of the date of this communication, to indicate whether agreement has been reached in that regard.

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