

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION
Petitioner

v.

B.E. TECHNOLOGY, L.L.C.
Patent Owner

Cases IPR2014-00039 (Patent 6,628,314 B1)
IPR2014-00040 (Patent 6,771,290 B1)

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and LYNNE E. PETTIGREW, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

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

IPR2014-00039 (Patent 6,628,314 B1)
IPR2014-00040 (Patent 6,771,290 B1)

On May 6, 2014, the initial conference call¹ was held between counsel for the respective parties and Judges Medley, Deshpande, and Pettigrew.

Motions

Neither party seeks authorization to file a motion at this time. As explained, if Patent Owner determines that it will file a motion to amend, Patent Owner must arrange a conference call soon thereafter with the Board and opposing counsel to discuss the proposed motion to amend. *See* 37 C.F.R. § 42.121(a).

The parties were reminded that if they seek authorization to file a motion not contemplated per the Scheduling Order, the party requesting such authorization must arrange a conference call with opposing counsel and the Board.

Patent Owner has indicated the possibility of seeking authorization to file a motion for the consolidation of four of the *inter partes* reviews for the '290 patent, including IPR2014-00040, and has contacted the respective Petitioners to begin discussions. Patent Owner was reminded that if it seeks authorization to file a motion to consolidate, Patent Owner must arrange a conference call with opposing counsel and the Board sooner rather than later.

Schedule

Counsel for the respective parties indicated that they have no issues with the Scheduling Order entered April 9, 2014.

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

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To the extent issues arise with DATES 1-3 identified in the Scheduling Order, the parties are reminded that, without obtaining prior authorization from the Board, they may stipulate to different dates for DATES 1-3, as provided in the Scheduling Order, by filing an appropriate notice with the Board. The parties may not stipulate to any other changes to the Scheduling Order.

Order

It is

ORDERED that no motions are authorized at this time.

PETITIONER:

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PATENT OWNER:

Jason Angell
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Practice Guide, 77 *Fed. Reg.* 48756, 48765 (Aug. 14, 2012).