

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RELOADED GAMES, INC.  
Petitioner

v.

PARALLEL NETWORKS LLC  
Patent Owner

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Case IPR2014-00136  
Patent 7,188,145 B2  
Case IPR2014-00139  
Patent 7,730,262 B2<sup>1</sup>

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Before KRISTEN L. DROESCH, BRIAN J. McNAMARA, and  
HYUN J. JUNG, *Administrative Patent Judges*

McNAMARA, *Administrative Patent Judge*.

INITIAL CONFERENCE SUMMARY  
*Conduct of the Proceeding*  
37C.F.R. § 42.5

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<sup>1</sup> This Order addresses issues that are identical in related cases. Therefore, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

An initial conference in IPR2014-00136 and IPR2014-00139, which involve U.S. Patent No. 7,188,145 B2 (“the ’145 Patent”) and U.S. Patent 7,730,262 B2 (“the ’262 Patent”) was scheduled for June 3, 2014 at 11:00 a.m. Reloaded Games, Inc. (“Petitioner”), which is represented by lead counsel, Eric A. Buresh, appeared for the teleconference. Parallel Networks LLC (“Patent Owner”), which is represented by lead counsel, Darren W. Collins, failed to call in. After Petitioner’s counsel and the Board’s clerk were unable to reach Mr. Collins by telephone, we recessed the initial conference at 11:10 a.m. The Board’s clerk left Mr. Collins a message to contact her to reschedule the conference. In addition, we asked Petitioner’s counsel to consult Patent Owner’s counsel and then propose to the Board’s clerk alternate dates and times for the conference.

Shortly thereafter, Mr. Collins placed an unauthorized ex parte call to Judge Jung’s direct line, stating that, as a result of an administrative error, he could not find the passcode for the call. Mr. Collins’ ex parte communication with Judge Jung was inappropriate. 37 C.F.R. § 42.5(d). We remind counsel that all contact with the Board in an *inter partes* should be initiated through the Board’s administrative channels and not with the Administrative Patent Judges.

The conference was rescheduled for June 18, 2014. At that time, the following subjects were discussed:

Related Matters and Scheduling Order

The parties have not identified any current re-examinations, re-issue applications or other proceedings in the USPTO concerning the ’145 Patent. The ’145 Patent is the subject of several infringement suits. The parties reported that litigation in the U.S. District Court for the District of Delaware is currently stayed and that a motion to lift the stay is pending.

During the conference, Petitioner noted that it had recently filed IPR2014-00950, which concerns claims of the '145 Patent on which we did not institute a trial in IPR2014-00136. Subsequent to the conference, the Board mailed a notice according IPR2014-00950 a filing date of June 13, 2014. On June 13, 2014, in IPR2014-00950, Petitioner also filed a motion for joinder with IPR2014-00136. In view of Petitioner's filings in IPR2014-00950, we have entered an Amended Scheduling Order in IPR2014-00136. Although there is no motion for joinder with IPR2014-00139, for purposes of case management, we are entering the same Amended Scheduling Order in IPR2014-00139. In addition to the Amended Scheduling Orders in IPR2014-00136 and IPR2013-00139, we are entering an Order in IPR2014-00950 setting the date for filing a Patent Owner Preliminary Response and Opposition to the Motion to Amend to July 31, 2014.

The Amended Scheduling Order delays the date for filing a Patent Owner Response until September 30, 2014. The revised date for filing a Patent Owner Response will allow Patent Owner an opportunity to file a Patent Owner Preliminary Response in IPR2014-00950 and respond to Petitioner's motion for joinder. It will also allow time for us to determine whether to grant the joinder motion. The Amended Scheduling Order reduces the amount of time for Petitioner, who sought the joinder, to file its Reply to the Patent Owner Response and adjusts other dates accordingly. The date of the oral hearing has not changed.

The parties are reminded that, without obtaining prior authorization from the Board, they may stipulate to different dates for DATES 1-5, 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.

### Protective Order

The parties have not discussed a protective order at this time. No protective order has been entered. The parties are reminded of the requirement for a protective order when filing a motion to seal. 37 C.F.R. § 42.54. If the parties have agreed to a proposed protective order, including the Standing Default Protective Order, 77 Fed. Reg. 48756, App. B (Aug 14, 2012), they should file a signed copy of the proposed protective order with the motion to seal. If the parties propose a protective order other than or departing from the default Standing Protective Order, Office Trial Practice Guide, *id.*, they must submit a joint, proposed protective order, accompanied by a red-lined version based on the default Standing Protective Order in Appendix B to the Board's Office Patent Trial Practice Guide. *See id.* at 48769.

### Initial Disclosures and Discovery

The parties have not stipulated to any initial disclosures at this time. The parties are reminded of the discovery provisions of 37 C.F.R. § 42.51-52 and Office Trial Practice Guide. *See* 77 Fed. Reg. at 48761-2. Discovery requests and objections are not to be filed with the Board without prior authorization. If the parties are unable to resolve discovery issues between them, the parties may request a conference with the Board. A motion to exclude, which does not require Board authorization, must be filed to preserve any objection. *See* 37 C.F.R. § 37.64, Office Trial Practice Guide, 77 Fed. Reg. at 48767. There are no discovery issues pending at this time.

The parties are reminded of the provisions for taking testimony found at 37 C.F.R. § 42.53 and the Office Trial Practice Manual at 77 Fed. Reg. at 48772, App. D.

### Motions

Prior to the initial conference, Patent Owner filed a list of anticipated motions, all of which are provided for in the Scheduling Order. The parties indicated that there are currently no motions to be addressed.

The parties are reminded that, except as otherwise provided in the Rules, Board authorization is required before filing a Motion. 37 C.F.R. § 42.20(b). A party seeking to file a motion should request a conference to obtain authorization to file the motion. No motions are authorized in this proceeding at this time.

Although Board authorization is not required, Patent Owner may file one motion to amend the patent by cancelling or substituting claims. We remind Patent Owner of the requirement to request a conference with the Board before filing a motion to amend. 37 C.F.R. § 42.121(a). The conference should take place at least two weeks before filing the motion to amend. The Board takes this opportunity to remind the Patent Owner that a motion to amend must explain in detail how any proposed substitute claim obviates the grounds of unpatentability authorized in this proceeding, and clearly identify where the corresponding written description support in the original disclosure can be found for each claim added. If the motion to amend includes a proposed substitution of claims beyond a one-for-one substitution, the motion must explain why more than a one-for-one substitution of claims is necessary. For further guidance regarding these requirements, Patent Owner is directed to several decisions concerning motions to amend, including *Nichia Corporation v. Emcore Corporation*, IPR2012-00005, Paper No. 27 (June 3, 2013); *Idle Free Systems, Inc. v. Bergstrom, Inc.*, IPR2012-00027, Paper No. 26 (June 11, 2013), Paper No. 66 (January 7, 2014); *ZTE Corp. v. ContentGuard Holdings*, IPR2013-00136, Paper 33 (November 7, 2013); and *Invensense, Inc. v. STMicroelectronics, Inc.*, IPR2013-00241, Paper No. 21,

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