

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC., GOOGLE INC., and MOTOROLA MOBILITY LLC
Petitioner

v.

ARENDI S.A.R.L.
Patent Owner

Cases IPR2014-00206 (Patent 7,496,854 B2)
IPR2014-00207 (Patent 7,496,854 B2)
IPR2014-00208 (Patent 7,917,843 B2)

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and
TREVOR M. JEFFERSON, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

IPR2014-00206 (Patent 7,496,854 B2)
IPR2014-00207 (Patent 7,496,854 B2)
IPR2014-00208 (Patent 7,917,843 B2)

On July 1, 2014, the initial conference call¹ was held between counsel for the respective parties and Judges Blankenship, Medley, and Jefferson.

Petitioner

A discussion was had regarding the constitution of “Petitioner.” As noted, the Petition (Paper 3²; “Pet.”) in each of the three proceedings lists a lead and backup counsel for “Petitioner Apple” and a separate lead and backup counsel for “Petitioners Google and Motorola Mobility.” Pet. 2. The Board considers a petitioner to consist of a single entity for purposes of the proceeding, no matter how many companies are listed as petitioner or petitioners or how many companies are identified as a real party-in-interest. According to 37 CFR § 42.2, Petitioner means the party filing a petition requesting that a trial be instituted. As such, the Board would expect only one lead counsel to represent a petitioner. 37 C.F.R. § 42.10(a). When asked whether Petitioner wishes to proceed with more than one lead counsel, Petitioner represented that there is one lead counsel, Mr. Fehrman, and the remainder counsel should be considered as backup counsel. We further understand that Petitioner agrees that it will speak with one voice, both for any written submission and for any oral representations made during the proceedings.

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

² Citations are to IPR2014-00206.

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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.

Schedule

Counsel for the respective parties indicated that they have no issues with the Scheduling Order entered June 11, 2014.

To the extent issues arise with DATES 1-5 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 1-5, 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.

Related Matters

The parties acknowledged that the related district court cases involving the '854 and '843 patents have been stayed.

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Settlement

The parties have nothing to report with respect to settlement.

Order

It is

ORDERED that no motions are authorized at this time.

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