

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC. and MOTOROLA MOBILITY LLC¹,
Petitioners,

v.

ARENDI S.A.R.L.,
Patent Owner.

Case IPR2014-00450 (Patent 7,921,356 B2)
Case IPR2014-00452 (Patent 6,323,853 B1)²

Before MICHAEL R. ZECHER, NEIL T. POWELL, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

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

¹ Google Inc. is the sole Petitioner in IPR2014-00450. Google Inc. and Motorola Mobility LLC are joint Petitioners in IPR2014-00452.

² This Order addresses issues pertaining to both cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2014-00450 (Patent 7,921,356 B2)

IPR2014-00452 (Patent 6,323,853 B1)

An initial conference call in the above proceeding was held on September 17, 2014, between respective counsel for Petitioner and Patent Owner, and Judges Zecher, Powell, and Cherry. The purpose of the call was to discuss any proposed changes to the Scheduling Order (Paper 11³), as well as any motions that the parties intend to file. Prior to the call, Patent Owner filed notices (one in each case) listing motions Patent Owner intends to file. Paper 13.⁴ Petitioner did not file a list of proposed motions in either case. The following issues were discussed.

1. Schedule

We inquired whether the parties had any issues with the Scheduling Order. Patent Owner requested that DUE DATE 7, the date for oral argument (if requested by either party), be moved from April 15, 2015, to the following week to avoid certain scheduling issues for Patent Owner. Petitioner stated that it had no objection. We advised the parties we would investigate the possibility of changing the due date. In this case, given the early timing of Patent Owner's request, Board resources permit changing DUE DATE 7 to Tuesday, April 21, 2014. This change is reflected in the Revised Scheduling Order entered concurrently with this Order. The parties also are advised that they may stipulate to different dates for DUE DATES 1 through 5 in the Revised Scheduling Order (provided the dates are no later than DUE DATE 6) and, if they do so, the parties shall file promptly a notice of the stipulation.

³ The Scheduling Order is Paper 11 in both IPR2014-00450 and IPR2014-00452.

⁴ Patent Owner's notices listing motions it intends to file are Paper 13 in both IPR2014-00450 and IPR2014-00452.

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2. *Motions*

In Paper 13 filed in each case, Patent Owner stated an intention to seek authorization to file a motion to exclude evidence. As discussed during the call, the Scheduling Order authorized filing motions to exclude evidence. The Revised Scheduling Order contains the same authorization.

In IPR2014-00452, Patent Owner additionally stated, in Paper 13, an intention to seek authorization to file a contingent motion to amend. During the call, we indicated that Patent Owner may file a contingent motion to amend, but only after conferring with the Board. The 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. 37 C.F.R. § 42.121. For further guidance regarding these requirements, we direct Patent Owner to two decisions available on the Board's website under "Representative Orders, Decisions, and Notices": (1) IPR2012-00005, Paper 27 (June 3, 2013); and (2) IPR2012-00027, Paper 26 (June 11, 2013).

ORDER

It is ORDERED that DUE DATE 7, the date for oral argument (if requested by either party), is reset to April 21, 2015.

IPR2014-00450 (Patent 7,921,356 B2)

IPR2014-00452 (Patent 6,323,853 B1)

PETITIONER:

Matthew A. Smith

Zhuanjia Gu

TURNER BOYD LLP

smith@turnerboyd.com

gu@turnerboyd.com

PATENT OWNER:

Robert M. Asher

Bruce D. Sunstein

SUNSTEIN KANN MURPHY & TIMBERS LLP

rasher@sunsteinlaw.com

bsunstein@sunsteinlaw.com