

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE GILLETTE COMPANY  
Petitioner,

v.

ZOND, LLC,  
Patent Owner.

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Cases IPR2014-00580 and IPR2014-00726  
Patent 6,896,733 B2<sup>1</sup>

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Before KEVIN F. TURNER, JONI Y. CHANG, and SUSAN L.C. MITCHELL,  
*Administrative Patent Judges.*

CHANG, *Administrative Patent Judge.*

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

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<sup>1</sup> This Order addresses the same issue in both above-identified *inter partes* reviews. Therefore, we issue one Order to be filed in both cases.

On October 10, 2014, we instituted an *inter partes* review in each of the above-identified proceedings to review the claims of U.S. Patent No. 6,896,733 B2 (“the ’733 patent”). Paper 11.<sup>2</sup> For efficiency, we entered a single Scheduling Order that sets forth the due dates for the parties to take action in both reviews, ensuring that the reviews will be completed within one year of institution. Paper 12. An initial conference call was held on November 10, 2014, between respective counsel for the parties for the above-identified reviews and Judges Turner, Chang, and Mitchell. The purpose of the call was to discuss any proposed changes to the Scheduling Order (Paper 12), as well as any motions that the parties intend to file. Neither party filed a proposed motion list.

#### *Trial Schedule*

During the conference call, we explained that the trial schedule for the above-identified reviews had been synchronized. The Scheduling Order provides certain flexibility for the parties to change Due Dates 1 through 5. Paper 12, 2. Should the parties believe that there is a good reason for changing other due dates, they may contact the Board to set up a conference call with us. The parties indicated that they do not, at this time, foresee any problems with meeting their due dates. If the parties decide to stipulate to different due dates, the parties should file promptly a notice of stipulation that includes a copy of the due date appendix

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<sup>2</sup> For the purpose of clarity and expediency, we treat IPR2014-00580 as representative, and all citations are to IPR2014-00580 unless otherwise noted.

of the Scheduling Order, showing the new due dates next to the original due dates. Paper 12, 2, 6.

We further noted that the oral hearings for both reviews are scheduled on the same day. We explained that the oral hearings will be merged and conducted at the same time, and the transcript from the combined oral hearing could be useable across both reviews, given the similarity in claimed subject matter and overlapping asserted prior art.

### *The Procedure for Consolidated Discovery*

The parties indicated that they have been engaging in discussions regarding the discovery schedule. Given the similarity in claimed subject matter and overlapping asserted prior art and that Petitioner submitted declarations from the same expert witness in each review, the parties further expressed the desire to coordinate and combine discovery between both proceedings, and, possibly, with other proceedings that involve the parties, but different patents. We observed that such coordination and consolidation may be helpful in streamlining the proceedings, and reduce the cost and burden on the parties. For example, cross-examination of Petitioners' expert witness may be combined and useable in both reviews, for efficiency and consistency. Should the parties combine discovery of the above-identified reviews, which involve the '733 patent, with other proceedings that involve *another patent*, the parties are encouraged to keep the record clear as to each proceeding and each patent.

During the conference call, we also notified the parties that the decisions on the Petitions and Motions for Joinder filed by Taiwan Semiconductor

Cases IPR2014-00580 and IPR2014-00726  
Patent 6,896,733 B2

Manufacturing Company, Ltd., TSMC North America Corp., Fujitsu Semiconductor Limited, and Fujitsu Semiconductor America, Inc. in IPR2014-01479 and IPR2014-01481, seeking to join with the above-identified proceedings, will be forthcoming. The parties indicated that they will consolidate the discovery of those proceedings as well, should we decide to institute those proceedings and grant the Motions for Joinder.

#### ORDER

It is

ORDERED that the parties are authorized to consolidate discovery for both above-identified *inter partes* reviews, so that the cross-examination and redirect examination may be usable in the reviews.

Cases IPR2014-00580 and IPR2014-00726  
Patent 6,896,733 B2

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