

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ATOPTECH, INC.,
Petitioner,

v.

SYNOPSIS, INC.,
Patent Owner.

Case IPR2014-01145 (6,237,127 B1)
Case IPR2014-01150 (6,567,967 B2)
Case IPR2014-01159 (6,567,967 B2)

Before TRENTON A. WARD, PETER P. CHEN, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

IPPOLITO, *Administrative Patent Judge*.

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

IPR2014-01145 (6,237,127 B1)
IPR2014-01150 (6,567,967 B2)
IPR2014-01159 (6,567,967 B2)

On February 25, 2015, a telephone conference was held between respective counsel for the parties and Judges Ward, Chen, and Ippolito. The following matters were discussed.

Related Matters

The parties indicated that the district court litigation involving the parties is stayed. Additionally, Petitioner advised that in IPR2015-00760 it filed a petition directed to claims of the U.S. Patent No. 6,237,127 B1 with a Motion for Joinder to IPR2014-01145. Patent Owner indicated that it planned to file an opposition to Petitioner's motion within the default one month filing period. *See* 37 C.F.R. § 42.25(a)(1).

Scheduling Order

The parties indicated that they have no concerns with the Scheduling Order entered on January 21, 2015. As indicated in the Scheduling Order, the parties may stipulate to different dates for Due Dates 1–3. *See* IPR2014-01145, Paper 8, 2. To the extent that the parties reach an agreement on different dates for Due Dates 1–3, the parties will need to file a notice of stipulation.

Motions

Patent Owner indicated that, at this time, it may file a contingent motion to amend. Should Patent Owner decide to file a motion to amend, it first must confer with the Board. *See* 37 C.F.R. § 42.121(a). This conference should take place at least two weeks before filing the motion to amend. Patent Owner is reminded that, unlike a challenge to a patented claim, where the burden is on the petitioner to demonstrate unpatentability with a motion to amend, the burden is on the patent owner to demonstrate patentability.

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Protective Order

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 Protective Order, 77 Fed. Reg. 48756, Appendix 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 Patent 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.

Settlement

The parties advised that they have nothing to report regarding settlement discussions at this time.

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