

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD;
SAMSUNG ELECTRONICS AMERICA, INC.;¹

Petitioner,

v.

AFFINITY LABS OF TEXAS, LLC,
Patent Owner.

Case IPR2014-01181²
Patent 8,532,641 B2

Before LYNNE E. PETTIGREW and JON B. TORNQUIST,
Administrative Patent Judges.

TORNQUIST, *Administrative Patent Judge.*

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

¹ On January 1, 2015, Samsung Telecommunications America, LLC, an originally-named Petitioner in this case, was merged into Samsung Electronics America, Inc. *See* IPR2014-01181, Paper 9.

² On March 24, 2015, we consolidated IPR2014-01182 and IPR2014-01184 with IPR2014-01181. IPR2014-01181, Paper 15, 2.

On September 14, 2015, a telephone conference was held between respective counsel for the parties and Judges Pettigrew and Tornquist. Counsel for Patent Owner requested the conference call to seek authorization to file a motion to strike or expunge Petitioner's Reply and supporting exhibits.

During the call, Patent Owner asserted that the Reply introduced new arguments, including new arguments directed to claim construction and priority. As discussed on the call, we authorize Patent Owner to file a five-page submission specifically identifying the arguments and evidence submitted in the Reply that Patent Owner believes exceed the proper scope of a reply. For each issue, Patent Owner's identification may include a short, concise explanation as to why the identified issue is beyond the scope of a proper reply; the submission, however, is not a vehicle to argue the merits of the Petition, the Patent Owner Response, or the Reply.

We further authorize Petitioner to file a five-page Response to Patent Owner's submission. The Response should, on a point-by-point basis, identify by citation specific portions of the Patent Owner Response that Petitioner believes justify the arguments and evidence submitted in the Reply.

When rendering the Final Written Decision, we will consider both submissions.

Based on the foregoing, it is:

ORDERED that Patent Owner's five-page submission is due on September 21, 2015, and Petitioner's five-page responsive submission is due on September 28, 2015.

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PETITIONERS:

J. Steven Baughman
ROPES & GRAY LLP
steven.baughman@ropesgray.com

Gabrielle E. Higgins
ROPES & GRAY LLP
gabrielle.higgins@ropesgray.com

PATENT OWNER:

Ryan M. Schultz
ROBINS, KAPLAN, MILLER & CIRESI LLP
rmschultz@rkmc.com

Thomas R. DeSimone
ROBINS, KAPLAN, MILLER & CIRESI LLP
trdesimone@rkmc.com