

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TRW AUTOMOTIVE U.S. LLC,  
Petitioner,

v.

MAGNA ELECTRONICS INC.,  
Patent Owner.

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Case IPR2015-00436<sup>1</sup>  
Patent 8,599,001 B2

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Before JUSTIN T. ARBES, BART A. GERSTENBLITH, and  
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

ARBES, *Administrative Patent Judge*.

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

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<sup>1</sup> Cases IPR2015-00437, IPR2015-00438, and IPR2015-00439 have been consolidated with this proceeding.

During the initial conference call in this proceeding on July 29, 2015, Patent Owner stated that it was in the process of discussing with Petitioner a potential request for an extension of the page limits for Patent Owner's Response and Petitioner's Reply, but did not know at that time how many pages it would need for the Response. *See* 37 C.F.R. §§ 42.24(b)(2), 42.24(c)(1). Petitioner was amenable to some extension, but requested that specific page limits be set rather than waiting until Patent Owner files its Response. We agreed that specific page limits should be set, as they typically are by rule, but also were persuaded that Patent Owner should be given additional time to determine how many pages it would request. We ordered the parties to confer and notify the Board by email, no later than September 9, 2015, of "the number of additional pages the parties request (either jointly or individually) for each paper." Paper 16, 2–3.

The parties' email did not comply with the Order. Patent Owner stated that it did not yet know how many pages it wanted to request, and proposed that a decision on page limits be deferred to September 28, 2015. Petitioner included substantive argument as to why Patent Owner's proposal was improper. Via email, we ordered the parties again to tell us the "specific number of pages" being requested. Petitioner, via email, proposed 90 pages for Patent Owner's Response and 38 pages for Petitioner's Reply. Patent Owner, via email, proposed 90 pages for its Response, argued that it is premature to extend any page limits for Petitioner's Reply, and stated that if the Response as filed is 90 pages, Petitioner should be permitted 38 pages for the Reply.

We are persuaded that a limited extension of the page limits is appropriate, given the consolidation of three other cases with

IPR2015-00436  
Patent 8,599,001 B2

Case IPR2015-00436 and the similarities in asserted prior art and arguments in the four Petitions. Accordingly, the page limit for Patent Owner's Response is extended to 90 pages and the page limit for Petitioner's Reply is extended, by a proportional amount, to 38 pages. All other page limits in this proceeding are unchanged. We also remind the parties that any future emails to *Trials@uspto.gov* should follow instructions provided by the Board and may not include substantive argument. The parties are referred to <http://www.uspto.gov/patents-application-process/appealing-patent-decisions/trials/patent-review-processing-system-prps-0> regarding the proper use of email communication to the Board.

In consideration of the foregoing, it is hereby:

ORDERED that the page limit for Patent Owner's Response is extended to 90 pages, and the page limit for Petitioner's Reply is extended to 38 pages.

IPR2015-00436  
Patent 8,599,001 B2

PETITIONER:

A. Justin Poplin  
Timothy K. Sendek  
Allan Sternstein  
Jon Trembath  
Douglas W. Link  
LATHROP & GAGE LLP  
[patent@lathropgage.com](mailto:patent@lathropgage.com)  
[TSendek@lathropgage.com](mailto:TSendek@lathropgage.com)  
[ASternstein@lathropgage.com](mailto:ASternstein@lathropgage.com)  
[jtrembath@lathropgage.com](mailto:jtrembath@lathropgage.com)  
[dlink@lathropgage.com](mailto:dlink@lathropgage.com)

PATENT OWNER:

David K.S. Cornwell  
Jason D. Eisenberg  
STERNE, KESSLER, GOLDSTEIN & FOX PLLC  
[davidc-PTAB@skgf.com](mailto:davidc-PTAB@skgf.com)  
[jasone-PTAB@skgf.com](mailto:jasone-PTAB@skgf.com)

Timothy A. Flory  
Terence J. Linn  
GARDNER, LINN, BURKHART & FLORY, LLP  
[Flory@glbf.com](mailto:Flory@glbf.com)  
[linn@glbf.com](mailto:linn@glbf.com)