

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD., SAMSUNG DISPLAY CO., LTD., and
SONY CORPORATION,
Petitioners,

v.

SURPASS TECH INNNOVATION LLC,
Patent Owner.

Case IPR2015-00887
Patent 7,420,550

Before SALLY C. MEDLEY, BRYAN F. MOORE, and
BETH Z. SHAW, *Administrative Patent Judges*.

SHAW, *Administrative Patent Judge*.

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

During a conference call held on July 6, 2015, between counsel for the parties and Judges Medley, Moore, and Shaw, counsel for Petitioner requested authorization to file supplemental evidence in the form of a declaration of a foreign language translator to support a foreign language document relied on by Petitioner as prior art. The Patent Owner had, in its Preliminary Response, objected to the certification of translation that was provided by Petitioner in support of the English translation of the document.

The Board has not yet determined whether to institute *inter partes* review in this case. The Board directs the parties to 37 C.F.R. § 42.64. Any objection to evidence filed prior to institution of trial must be served within ten business days of institution of the trial. 37 C.F.R. § 42.64(b)(1). The party relying on evidence to which an objection is timely served may respond to the objection by serving supplemental evidence within ten business days of service of the objection. 37 C.F.R. § 42.64(b)(2). Because the action contemplated by Petitioner is specifically covered by 37 C.F.R. § 42.64(b)(1) and § 42.64(b)(2), as discussed during the conference call, the Board instructs the parties to follow the procedure outlined therein.

It is

ORDERED that Petitioner's request for authorization to file supplemental evidence prior to institution of trial is denied.

IPR2015-00887
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