

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD,  
Petitioner,

v.

ELBRUS INTERNATIONAL LIMITED,  
Patent Owner.

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Case IPR2015-01524  
Patent 6,366,130

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Before JUSTIN T. ARBES, JEFFREY W. ABRAHAM, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

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

On July 14, 2016, a conference call was held between counsel for the parties and Judges Arbes, Galligan, and Abraham. The purpose of the call was to discuss Petitioner's request for authorization to file a motion to withdraw lead counsel and Petitioner's request for a two-week extension to file its Reply to Patent Owner's Response.

*1. Request for Authorization to File a Motion to Withdraw Lead Counsel*

In a July 14, 2016 e-mail to the Board, Petitioner requested authorization to file a motion to withdraw lead counsel. *See* 37 C.F.R. § 42.10(e). In the e-mail, Petitioner indicated that Steven L. Park, who is currently listed as lead counsel for Petitioner, is no longer with the law firm of Paul Hastings LLP. Petitioner stated that it will substitute Naveen Modi as lead counsel for Mr. Park, and will appoint another back-up counsel. During the call, Patent Owner confirmed that it does not oppose the request.

Accordingly, Petitioner's request is *granted*.

*2. Request for an Extension of Time*

Pursuant to the current Scheduling Order, Petitioner's Reply is due on July 20, 2016. Paper 10, 6.

Petitioner requested a two-week extension, until August 3, 2016, to file its Reply. During the call, Petitioner explained that its reasons for the request include (1) the departure of its lead counsel Mr. Park on July 1, 2016, (2) "expert witness availability issues," (3) Mr. Modi's involvement in other matters – including other cases before the Board, and (4) the lack of any impact of an extension on the remaining dates in the Scheduling Order.

Patent Owner opposes the request, noting during the call that Petitioner has had almost three months to prepare its Reply, and that the

departure of Mr. Park and Mr. Modi's schedule do not justify a two-week extension considering the size of the law firm of Paul Hastings LLP.

Under 37 C.F.R. § 42.5(c)(2), "[a] request for an extension of time must be supported by a showing of good cause." We agree with Patent Owner that Petitioner's reasons behind its request for an extension of time do not constitute a showing of good cause for a two-week extension. We, however, find that Petitioner has shown good cause to justify a five-day extension of time, especially considering the parties agree that an extension will not impact any remaining dates in the Scheduling Order.

Accordingly, Petitioner's request for an extension of time is *granted-in-part*.

For the reasons given, it is hereby

ORDERED that Petitioner's request for authorization to file a motion to withdraw lead counsel is *granted*;

FURTHER ORDERED that Petitioner's request for an extension of time to file its Reply is *granted-in-part*; and

FURTHER ORDERED that Petitioner's Reply to Patent Owner's Response is due on July 25, 2016.

Case IPR2015-01524  
Patent 6,366,130

PETITIONER:

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