

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

QUALCOMM INC.,
Petitioner,

v.

BANDSPEED, INC.,
Patent Owner.

Case IPR2015-01577 (Patent 7,477,624 B2)
Case IPR2015-01580 (Patent 7,477,624 B2)
Case IPR2015-01581 (Patent 7,477,624 B2)
Case IPR2015-01582 (Patent 8,542,643 B2)¹

Before DAVID C. McKONE and PATRICK M. BOUCHER,
Administrative Patent Judges.

BOUCHER, *Administrative Patent Judge.*

¹ The parties are not authorized to use this style of filing in subsequent papers without prior authorization.

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

On August 20, 2015, Patent Owner filed an Opposition to Petitioner's Motion for Joinder. Paper 8; *see* Paper 7 (authorizing filing by August 20, 2015). On August 21, Petitioner transmitted email correspondence to the Board that "seeks leave to reply" to the opposition. The email correspondence includes a number of substantive arguments that respond to positions taken by Patent Owner in its Opposition. Such arguments are improper as part of a request for authorization to file a reply. *See Samsung Electronics Co., Ltd. v. Black Hills Media, LLC*, Case IPR2014-00717, slip op. (PTAB July 10, 2014) (Paper 6) (expanded panel). They are not included in the record of the proceeding, and they impede the Board's ability to discharge its mission to secure the just, speedy, and inexpensive resolution of every proceeding. *See* 37 C.F.R. § 42.1(b).

Accordingly, we do not consider the substantive arguments raised in Petitioner's email correspondence. We take the opportunity to remind the parties that attempts to circumvent the Board's requirements for prior authorization to file substantive papers may warrant the imposition of sanctions, including "[a]n order . . . precluding a party from filing a paper." 37 C.F.R. § 42.12(b)(2); *see Samsung* at 3.

We have considered, and grant, Petitioner's request for authorization to file a reply to Patent Owner's Opposition.

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It is

ORDERED that Petitioner is authorized to file a reply to Patent Owner's Opposition to Petitioner's Motion for Joinder (Paper 8), by August 31, 2015, limited to five pages.

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