

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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K.J. PRETECH CO., LTD,  
Petitioner,

v.

INNOVATIVE DISPLAY TECHNOLOGIES LLC,  
Patent Owner.

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Cases<sup>1</sup>

IPR2015-01866 (Patent 8,215,816)  
IPR2015-01867 (Patent 7,537,370)  
IPR2015-01868 (Patent 7,434,974)

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Before MIRIAM L. QUINN and BEVERLY M. BUNTING,  
*Administrative Patent Judges.*

BUNTING, *Administrative Patent Judge.*

REVISED SCHEDULING ORDER

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<sup>1</sup> This Order addresses issues that are the same in each case. Therefore, we exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2015-01866 (Patent 8,215,816)

IPR2015-01867 (Patent 7,537,370)

IPR2015-01868 (Patent 7,434,974)

A conference call in the above-referenced cases occurred on June 8, 2016. Respective counsel for Petitioner and Patent Owner, and Judges Giannetti, Quinn, and Bunting were in attendance. In an email to the panel dated June 7, 2016, Patent Owner requested the call, seeking permission to file a motion requesting modification to Due Date 7, i.e., oral argument, in the Scheduling Order (Paper 16)<sup>2</sup>. Additionally, the parties are unable to agree to Patent Owner's request to modify Due Date 1.

Patent Owner first notified the Board of a potential conflict between the scheduled oral argument date of December 13, 2016, and the December 5, 2016 trial date in the related district court proceeding, during the initial conference call that took place on April 18, 2016. Paper 17, 2. At that time, Patent Owner requested that the final hearing date be delayed by one week. We denied the request as premature due to the pending stay motion in district court, indicating that we may be revisiting this matter, depending on the outcome of that stay motion. *Id.*

During the call, Patent Owner confirmed that the stay motion had been denied, and trial scheduled for December 5, 2016. Patent Owner anticipates the referred to district court trial will last about a week. Petitioner opposes a delay in oral argument, and instead proposes moving the date up a few weeks.

We note that the proposed trial date in the related district court proceeding was set prior to our oral argument date. Thus, we agree to revise

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<sup>2</sup> For purposes of convenience, we refer only to papers in IPR2015-01866.

IPR2015-01866 (Patent 8,215,816)

IPR2015-01867 (Patent 7,537,370)

IPR2015-01868 (Patent 7,434,974)

Due Date 7 in the Scheduling Order to January 10, 2017, as indicated in the REVISED DUE DATE APPENDIX that follows.

With respect to Due Date 1, the scheduled date for Patent Owner's response to the petition and Patent Owner's motion to amend the patent, Patent Owner would like to extend the date from June 17, 2016 to July 1, 2016, due to the unavailability of its expert. Petitioner opposes this request. After hearing the parties' arguments in this regard, the panel agrees to an extension of Due Date 1 to July 1, 2016. Due date 2 is now October 3, 2016. Dues Dates 3-6 are unchanged.

IPR2015-01866 (Patent 8,215,816)  
IPR2015-01867 (Patent 7,537,370)  
IPR2015-01868 (Patent 7,434,974)

REVISED DUE DATE APPENDIX

DUE DATE 1 ..... July 1, 2016

Patent owner's response to the petition

Patent owner's motion to amend the patent

DUE DATE 2 ..... October 3, 2016

Petitioner's reply to patent owner's response to petition

Petitioner's opposition to motion to amend

DUE DATE 3..... October 17, 2016

Patent owner's reply to petitioner's opposition to motion to amend

DUE DATE 4 ..... November 17, 2016

Motion for observation regarding cross-examination of reply witness

Motion to exclude evidence

Request for oral argument

DUE DATE 5 ..... November 21, 2016

Response to observation

Opposition to motion to exclude

DUE DATE 6 ..... November 28, 2016

Reply to opposition to motion to exclude

DUE DATE 7 ..... January 10, 2017

Oral argument (if requested)

IPR2015-01866 (Patent 8,215,816)  
IPR2015-01867 (Patent 7,537,370)  
IPR2015-01868 (Patent 7,434,974)

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