

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ZTE USA, INC., HTC CORPORATION, HTC AMERICA, INC., LG  
ELECTRONICIS, INC., and APPLE INC.,<sup>1</sup>  
Petitioners,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,  
Patent Owner.

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Case IPR2016-00664 (Patent 5,812,789) Case IPR2016-00848 (Patent 5,960,464)  
Case IPR2016-00665 (Patent 5,960,464) Case IPR2016-00923 (Patent 5,812,789)  
Case IPR2016-00847 (Patent 5,812,789) Case IPR2016-00924 (Patent 5,960,464)<sup>2</sup>

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Before MICHAEL R. ZECHER, JAMES B. ARPIN, and  
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

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<sup>1</sup> ZTE USA, Inc., is the Petitioner in Cases IPR2016-00664 and IPR2016-00665, HTC Corporation, HTC America, Inc., and LG Electronics, Inc. are the Petitioner in Cases IPR2016-00847 and IPR2016-00848, and Apple Inc. is the Petitioner in Cases IPR2016-00923 and IPR2016-00924.

<sup>2</sup> This Order addresses an issue that is identical in all six cases. We, therefore, exercise our discretion to issue one Order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

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## I. DISCUSSION

A conference call in the six proceedings identified above was held on May 4, 2016, between the parties and Judges Zecher, Arpin, and Clements. Petitioners, ZTE USA, Inc., HTC Corporation, HTC America, Inc., LG Electronics, Inc., and Apple Inc. (collectively “Petitioners”), initiated the conference call to discuss adjusting the pre-institution schedules in each of these proceedings. Petitioners arranged for a court reporter and agreed to file a transcript of the conference call in each proceeding as a separate exhibit. We reiterate some of the discussion here, but we need not repeat all the details because the complete discussion will be reflected in the transcript.

Petitioners began the conference call by explaining that the Petitions filed in these proceeding were accompanied by Motions for Joinder. Each Motion for Joinder seeks to join one of Cases IPR2015-01944 and IPR2015-01946, in which Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”) challenged the same patents involved in these proceedings and we instituted *inter partes* reviews. Petitioners explained that, according to recent filings in the underlying district court case between Samsung and Patent Owner, Parthenon Unified Memory Architecture LLC (“Patent Owner”), there is a settlement pending between these two parties. Counsel for Samsung participated in the conference call and, upon further inquiry from us, confirmed that the settlement pending encompasses Cases IPR2015-01944 and IPR2015-01946. In light of the pending settlement between Samsung and Patent Owner, Petitioners requested that we adjust the pre-institution schedules in these

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proceedings so as to expedite action on the Motions for Joinder prior to the termination of Cases IPR2015-01944 and IPR2015-01946.

In response, we explained that we cannot expedite action on the Motions for Joinder filed in these proceeding unless (1) Patent Owner agrees not to oppose the Motions for Joinder in the proceedings where the default time period for filing an opposition has yet to expire; and (2) Patent Owner agrees to file or waive the Patent Owner Preliminary Responses prior to the three month default time period for filing such Responses. Patent Owner confirmed that it did not oppose the Motions for Joinder in Cases IPR2016-00664 and IPR2016-00665, and represented that it will not oppose the Motions for Joinder in the remaining proceedings where the default time period for filing an opposition has yet to expire. Patent Owner also represented that it was willing to file or waive the Patent Owner Preliminary Responses in these proceedings by May 26, 2016. Petitioners agreed to the date proposed by Patent Owner. After a brief deliberation, we notified the parties that, based on their agreement, we will reset the deadline for filing or waiving the Patent Owner Preliminary Responses in these proceedings to May 26, 2016.

## II. ORDER

Accordingly, it is ORDERED that the Patent Owner Preliminary Responses in these proceedings must be filed or waived by May 26, 2016.

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