

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.
Petitioner

v.

UUSI, LLC d/b/a NARTRON
Patent Owner

Case IPR2016-00908
Patent No. 5,796,183

PATENT OWNER'S UNOPPOSED MOTION REGARDING DUE DATE 7

Before THOMAS L. GIANNETTI, CARL M. DEFRANCO, and
KAMRAN JIVANI, *Administrative Patent Judges*.

Pursuant to Sections 42.20 and 42.22 of Chapter 37 of the Code of Federal Regulations, the Scheduling Order issued on October 19, 2016 (Paper 13) (the “Scheduling Order”), and the Order Re Conduct of the Proceeding entered on May 31, 2017 (Paper 31), Patent Owner, UUSI, LLC d/b/a/ Nartron (“Nartron”) requests, for the reasons explained below, that the Board authorize backup counsel to argue at oral argument on Due Date 7 as set forth in the Scheduling Order.

The Scheduling Order provides for Oral Argument on June 22, 2017 should it be requested. *See* Scheduling Order, Due Date 7. Both parties have now requested oral argument. *See* Papers 29 and 30.

Lead counsel for Nartron recently discovered that he is required to be out of the country on the date currently scheduled for oral argument due to a preexisting professional obligation. Ex. 2013, Declaration of Jay P. Kesan ¶ 3. This motion is being filed diligently after realizing the existence of the conflict, attempting to resolve it, and conferring with counsel for Petitioner. *Id.* Lead counsel is available on other dates in July, 2017. *Id.* ¶ 5.

In the event the Board wishes to maintain Due Date 7 on June 22, 2017, backup counsel for Nartron could attend and present oral argument on that date. *Id.* ¶ 4. The Office Patent Trial Practice Guide allows that backup counsel may argue before the Board: “[t]he Office expects that lead counsel will, and back-up counsel may, participate in all hearings and conference calls with the Board and

will sign all papers submitted in the proceeding.” 77 Fed. Reg. 48756, 48758 (August 14, 2012). Nartron thus seeks the Board’s permission for backup counsel to attend and argue at oral argument on June 22, 2017.

For the foregoing reasons, Nartron respectfully requests that the Board authorize backup counsel to argue at oral argument on June 22, 2017. In the event the Board does not grant the unopposed motion and instead wishes to have lead counsel for both parties attend the oral argument, the parties are willing to further discuss a new date for the oral argument. Ex. 2013 ¶ 5.

Meet and Confer Requirement

Pursuant to the Scheduling Order, Nartron has met and conferred with counsel for Petitioner in good faith to resolve the issue for which relief is sought. Counsel for Petitioner has represented that they do not oppose allowing Nartron’s backup counsel present oral argument, and that they are willing to discuss alternative dates for oral argument in the event the Board insists that Nartron’s lead counsel attend the argument.

Respectfully submitted,

Dated: June 1, 2017

By: /s/ Jay P. Kesan
Jay P. Kesan
Reg. No. 37,488
Counsel for Patent Owner

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), the undersigned certifies that on the date indicated below, a complete and entire copy of this submission was provided by email to Petitioner's counsel via email, as agreed to by Petitioner's Service Information in the April 15, 2016 Petition submission, by serving the email address of record.

Respectfully submitted,

Dated: June 1, 2017

By: /s/ Jay P. Kesan
Jay P. Kesan
Reg. No. 37,488
Counsel for Patent Owner