

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR2016-01114
Patent 7,777,753 B2

APPLE INC., HTC CORPORATION, and HTC AMERICA, INC.
Petitioners,

v.

PARTHENON UNIFIED MEMORY ARCHITECTURE LLC,
Patent Owner.

Case IPR2016-01121 (Patent 5,960,464)¹
Case IPR2016-01135 (Patent 5,812,789)^{2,3}

¹ Case IPR2017-00513 has been joined with this proceeding.

² Case IPR2017-00512 has been joined with this proceeding.

³ This Order addresses issues that is identical in all three cases. We, therefore, exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2016-01114 (Patent 7,777,753 B2)

IPR2016-01121 (Patent 5,960,464)

IPR2016-01135 (Patent 5,812,789)

Before MICHAEL R. ZECHER, JAMES B. ARPIN,
MATTHEW R. CLEMENTS, and SUSAN L. C. MITCHELL,
Administrative Patent Judges.

ZECHER, Administrative Patent Judge.

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

I. DISCUSSION

On September 7, 2017, a conference call was held between the parties and Judges Zecher, Arpin, Clements, and Mitchell. The purpose of the conference call was to address the following email correspondences: (1) an email correspondence sent to the Board by Petitioner entity, Apple Inc. (“Apple”), and Patent Owner, Parthenon Unified Memory Architecture LLC (“Parthenon”), on September 6, 2017, requesting authorization to file a joint motion to terminate each proceeding only as to Apple, along with a request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and (2) an email correspondence sent to the Board by Petitioner entity, HTC Corp. and HTC America, Inc. (“HTC”), on September 7, 2017, requesting that, in light of the recent settlement agreement reached between Apple and Parthenon, it be granted an extension of one week to respond to the Order to Show Cause (Case IPR2017-01121, Paper 34; Case IPR2017-01135, Paper 32).

After discussing each email correspondence with the parties, we granted authorization to Apple and Parthenon to file a joint motion to terminate each proceeding only as to Apple, along with a request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). We noted, however, that the settlement agreement filed in Cases

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IPR2016-01121 and IPR2016-01135 should be designated as “Board Only,” otherwise HTC would be able to access this agreement. After clarifying that Parthenon does not oppose HTC’s request for an extension to respond to the Order to Show Cause, we granted HTC’s request and reset the deadline to September 15, 2017.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Apple’s and Parthenon’s request to file a joint motion to terminate each proceeding only as to Apple is *granted*;

FURTHER ORDERED that Apple’s and Parthenon’s request to file a joint request to treat the settlement agreement as business confidential information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c) is *granted*;

FURTHER ORDERED that a true copy of the settlement agreement made in connection with termination be filed in each proceeding;

FURTHER ORDERED that the true copy of the settlement agreement filed in Cases IPR2016-01121 and IPR2016-01135 should be designated as “Board Only”; and

FURTHER ORDERED that the deadline for HTC and Parthenon to file the papers authorized in the Order to Show Cause (Case IPR2017-01121, Paper 34; Case IPR2017-01135, Paper 32) is reset to September 15, 2017.

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