

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE, INC., HTC CORPORATION, HTC AMERICA, INC.,  
MICROSOFT CORPORATION, MICROSOFT MOBILE OY,  
MICROSOFT MOBILE, INC., SAMSUNG ELECTRONICS CO., LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC., and ZTE (USA) INC.,  
Petitioners,

v.

EVOLVED WIRELESS LLC,  
Patent Owner.

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Cases IPR2016-00757, IPR2016-01228, IPR2016-01229, IPR2016-01345  
Patent 7,881,236 B2

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Before WILLIAM V. SAINDON, PATRICK M. BOUCHER, and  
TERRENCE W. McMILLIN, *Administrative Patent Judges*.

McMILLIN, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceedings  
37 C.F.R. § 42.5, 37 C.F.R. § 42.123(b)

On September 27, 2017, the Board received an email from Patent Owner's counsel requesting authorization to submit supplemental information. Petitioners opposed Patent Owner's request. A teleconference to consider the request was held on September 29, 2017, with Judges Saindon, Boucher, and McMillin and attorneys for all the parties.

After consideration of the arguments of counsel for all the parties, Patent Owner is authorized to file a motion for submission of supplemental information under 37 C.F.R. § 42.123(b) limited to 5 pages. Patent Owner is also authorized to submit the proposed supplemental information as an exhibit labelled "Patent Owner's Submission of Proposed Supplemental Information Pursuant to Motion filed Under 37 C.F.R. § 42.123(b)." The Board understands that the proposed supplemental information consists of excerpts from the transcript of deposition testimony of one witness taken in District Court litigation involving Patent Owner and Samsung.

Each Petitioner is authorized to file an opposition to the motion for submission of supplemental information limited to 5 pages. Although not required, the Board requests that the Petitioners combine some or all of their oppositions. In addition, the Samsung Petitioners are authorized to file as an exhibit excerpts from the same deposition transcript from which Patent Owner submits excerpts in order that the testimony proffered by Patent Owner may be understood in context and for completeness. If the Samsung Petitioners elect to file such an exhibit, it shall include the portions of the transcript submitted by Patent Owner and the transcript shall be marked in such a manner that it may be readily determined from black and white copies which portions of the transcript were proffered by Patent Owner and which portions of the transcript were proffered by the Samsung Petitioners. If

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filed, the Samsung Petitioners' exhibit shall be labelled, "Samsung Petitioners' Submission in Response to Proposed Supplemental Information from Patent Owner Pursuant to Motion filed Under 37 C.F.R. § 42.123(b)."

Patent Owner shall file its motion for submission of supplemental information and the exhibit within three (3) days of this Order. Petitioners shall file their oppositions, and the Samsung Petitioners shall file their exhibit, three (3) days thereafter. No further filings are authorized at this time.

The parties are authorized to use the caption set forth above in making these filings but are not otherwise authorized to use this caption.

IT IS THEREFORE ORDERED that these proceedings and the parties shall proceed in accordance with this Order; and

FURTHER ORDERED that any Proposed Supplemental Information submitted in exhibits in support of papers filed in accordance with this Order are provided merely for consideration of the Motion for Submission of Supplemental Information and is not entered as evidence of record and shall not be cited as evidence in any paper other than papers filed in accordance with this Order, unless later entered by explicit order of the Board.

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