

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PRODUCTION ONE, INC.,
Petitioner,

v.

MD SECURITY SOLUTIONS, LLC,
Patent Owner.

Case IPR2016-01235
Patent 7,864,983 B2

Before SALLY C. MEDLEY, TRENTON A. WARD, and
WILLIAM M. FINK, *Administrative Patent Judges*.

FINK, *Administrative Patent Judge*.

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

On July 5, 2016, Production One, Inc. (“Petitioner”) filed a Petition requesting an *inter partes* review of claims 1–20 of U.S. Patent No. 7,864,983 B2 (Ex. 1001, “the ’983 patent”). Paper 2. On the same day,

Petitioner filed a Motion for Joinder pursuant to 35 U.S.C. § 325(c),¹ seeking to join this proceeding with *RPX Corp. v. MD Security Solutions, LLC*, Case IPR2016-00285 (“the 285 IPR”). Paper 3 (“Mot.”). In the 285 IPR, we instituted *inter partes* review of claims 1–20 of the ’983 patent. *See 285 IPR*, slip op. at 2 (PTAB June 6, 2016) (Paper 9); Mot. 2. Petitioner represents that counsel for Petitioner, RPX Corporation, in the 285 IPR does not oppose joinder. Mot. 7. Petitioner also represents that “[t]he new Petition includes only the grounds instituted in IPR2016-00285 and is substantively identical on those grounds.” *Id.* at 1. Finally, given the alleged identity of issues between this proceeding and the 285 IPR, Petitioner requests shortened time for Patent Owner preliminary response. *Id.* at 1–2.

In view of the foregoing, Patent Owner, MD Security Systems, LLC, if it wishes, may file an opposition to Petitioner’s Motion for Joinder, limited to 15 pages, no later than August 29, 2016.

Patent Owner may file a preliminary response to the Petition no later than August 29, 2016. **This is a shortened time for filing a preliminary response.** Patent Owner may, in the alternative, file an election to waive the preliminary response to expedite the proceeding.

¹ Petitioner erroneously requests joinder under § 325(c) (Mot. 3), which governs joinder for post grant reviews under § 324. *See* 35 U.S.C. § 325(c). However, because this Petition and Motion for Joinder are for *inter partes* review, we interpret Petitioner’s request as referring to the appropriate *inter partes* review joinder statute, 35 U.S.C. § 315(c).

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ORDER

Accordingly, it is:

ORDERED that Patent Owner is authorized to file an opposition to Petitioner's Motion for Joinder of this proceeding with *RPX Corp. v. MD Security Solutions, LLC*, Case IPR2016-00285, limited to 15 pages, no later than August 29, 2016; and

FURTHER ORDERED that Patent Owner may file a preliminary response to the Petition, or file an election to waive the preliminary response, no later than August 29, 2016.

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