

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

v.

EVOLVED WIRELESS LLC,
Patent Owner.

Case IPR2016-00757¹
Patent 7,881,236 B2

Before WILLIAM V. SAINDON, CHRISTOPHER L. CRUMBLEY,
PATRICK M. BOUCHER, and TERRENCE W. McMILLIN,²
Administrative Patent Judges

McMILLIN, *Administrative Patent Judge*

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

¹ This Order addresses the same issue in the *inter partes* reviews listed in the Appendix. Therefore, we issue one order to be filed in all of these cases. The parties should not use this style of filing without prior authorization.

² The cases to which this Order pertains have three-judge panels consisting of the four judges listed herein. This is not an expanded panel.

At the request of Patent Owner, a teleconference was held in these proceedings on July 11, 2017. Judges Saindon, Crumbley, Boucher, and McMillin participated in the teleconference. The parties were represented by their respective counsel.

Patent Owner requested leave to file a supplemental brief in each of the proceedings related to the constitutional challenge to PTAB proceedings that the Supreme Court has granted certiorari on in *Oil States Energy Services, LLC v. Greene's Energy Group, LLC*, 2017 WL 2507340 (U.S. June 12, 2017). Patent Owner indicated it intended to request termination of all these proceedings based on the constitutional grounds being asserted before the Supreme Court in *Oil States*. During the teleconference, Patent Owner indicated the purpose of the requested briefing was to place its constitutional objection in the record and to preserve its objection on this basis. Petitioners opposed Patent Owner's request.

There is no need for Patent Owner to file a separate paper to put its position in the record. Per this order, Patent Owner's position is noted. Patent Owner's request is denied without prejudice to renewal of its constitutional challenge to these proceedings as necessary or appropriate after the Supreme Court's decision in *Oil States*.

In addition, as discussed during the teleconference, changes are necessary to the scheduling orders entered in these proceedings. Oral argument in IPR2016-00757 and IPR2016-01345 will be held at the USPTO headquarters in Alexandria, Virginia, on August 8, 2017, at 1 pm ET. Oral argument, if requested, in IPR2016-01208, IPR2016-01209, IPR2016-01277, and IPR2016-01280 will be held at the USPTO headquarters in Alexandria, Virginia, on September 15, 2017, at 9 am ET. Oral argument, if

IPR2016-00757
Patent 7,881,236 B2

requested, in IPR2016-1228 and IPR2016-01229 will be held at the USPTO headquarters in Alexandria, Virginia, on September 15, 2017, following the hearing in IPR2016-01208, IPR2016-01209, IPR2016-01277, and IPR2016-01280. Oral argument, if requested, in IPR2016-00758, IPR2016-00981, IPR2016-01342, IPR2016-01349, IPR2017-00068, IPR2017-00106, and IPR2017-00927 (if instituted and joined to IPR2016-01342) will be held at the USPTO headquarters in Alexandria, Virginia, on October 17, 2017, at 1 pm ET. The parties should contact the Board within five (5) business days if there are any conflicts with the revised dates.³

Therefore, it is

ORDERED that Patent Owner's request for supplemental briefing is denied; and

FURTHER ORDERED that the schedule for oral arguments in these proceedings is modified as indicated above.

³ As previously scheduled, oral argument, if requested, in IPR2016-01177 and IPR2016-01310 will be held at the USPTO headquarters in Alexandria, Virginia, on September 14, 2017, at 1:30 pm ET.

IPR2016-00757
Patent 7,881,236 B2

PETITIONERS:

Walter Renner
Roberto Devoto
David Holt
FISH & RICHARDSON P.C.
IPR00035-0006IP1@fr.com
PTABInbound@fr.com

James Glass
Kevin Johnson
Todd Briggs
John McKee
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
kevinjohnson@quinnemanuel.com
toddbriggs@quinnemanuel.com
johnmckee@quinnemanuel.com

Charles M. McMahon
Hersh H. Mehta
McDERMOTT WILL & EMERY
cmcmahon@mwe.com
hmehta@mwe.com

Stephen S. Korniczky
Martin Bader
Ericka J. Schulz
SHEPPARD, MULLIN, RICHTER & HAMPTON, LLP
skorniczky@sheppartmullin.com
mbader@sheppardmullin.com
eschulz@sheppardmullin.com

IPR2016-00757
Patent 7,881,236 B2

PATENT OWNER:

Cyrus Morton
Ryan Schultz
ROBINS KAPLAN LLP
cmorton@robinskaplan.com
rschultz@robinskaplan.com

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