

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

ANDREA ELECTRONICS CORP.,
Patent Owner.

IPR2017-00626
Patent 6,363,345 B1

Before MICHAEL R. ZECHER, JEREMY M. PLENZLER, and
MIRIAM L. QUINN, *Administrative Patent Judges*.

PLENZLER, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding—Remand Briefing
37 C.F.R. § 42.5(a)

This case is before us on remand from the U.S. Court of Appeals for the Federal Circuit. *Andrea Elecs. Corp. v. Apple Inc.*, No. 2021-1248, 2022 WL 1197341 (Fed. Cir. Apr. 22, 2022). On June 22, 2022, the panel held a conference call with counsel for Apple, Inc. (“Petitioner”) and Andrea Electronics Corp. (“Patent Owner”) to discuss the procedure and schedule on remand.

As indicated in an email correspondence to the Board, and discussed during the call, Patent Owner and Petitioner proposed multiple rounds of briefing. Patent Owner also proposed an oral hearing, whereas Petitioner indicated that an oral hearing was unnecessary. During the call, the parties explained that the purpose of the proposed briefing was to identify the portions of the existing record that are relevant to the sole issue on remand—namely, whether Petitioner has presented sufficient argument and evidence to support a motivation to combine the teachings of Hirsch (Ex. 1005) and Martin (Ex. 1006) with respect to claims 6–9. We agreed that a summary of the relevant portions of the record would be useful to address this issue.

Rather than authorize additional briefing, however, we authorized Patent Owner and Petitioner to simultaneously provide a citation list identifying portions of the record relevant to the sole issue on remand. To be clear, that listing should consist solely of an identification of a relevant Paper or Exhibit number currently in the record, followed by an identification of the relevant portions of that document (e.g., page or paragraph number). The listing should not be accompanied by any explanation. If any additional detail is required, the panel will request that information from the party.

IPR2017-00626
Patent 6,363,345 B1

During the call, the parties agreed that two weeks was sufficient time for the listing noted above. We also noted during the call that we do not see a need for an oral argument at this time.

ORDER

Petitioner and Patent Owner are each authorized to file a listing of relevant portions of the record consistent with the instructions outlined above by July 11, 2022.

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