

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

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

Petitioner,

v.

PAPST LICENSING GMBH & CO. KG,
Patent Owner.

Case IPR2017-00714
Patent 6,470,399 B1¹

Before JONI Y. CHANG, JENNIFER S. BISK, and JAMES B. ARPIN,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

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

¹ IPR2017-01808 has been joined with this proceeding.

The instant Petition for *inter partes* review (“IPR”) were filed by ZTE (USA) Inc. and ZTE Corporation (collectively, “ZTE”) (Paper 1), and we instituted a trial in the instant proceeding (Paper 10). Subsequently, we granted the Motions for Joinder filed by Olympus Corporation and Olympus America Inc. (collectively, “Olympus”), as well as Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Samsung”). Paper 16. The Decisions granting the Motions for Joinder indicate that all Petitioner’s filings must be consolidated, and “no filing by Petitioner Olympus and Samsung alone will be considered without prior authorization by the Board.” *Id.* at 5.

On November 30, 2017, Olympus and Samsung sent an email to the Board, requesting the authorization to allow them “to make filings and otherwise participate in this IPR.” Ex. 3002. The email indicates that ZTE “is in the process of finalizing settlement with Patent Owner and does not intend to file the Petitioner’s Reply,” and that ZTE “does not oppose the Joined Petitioners[, Olympus and Samsung,] participating in the IPR, including taking the depositions of Patent Owner’s expert and filing the Petitioner’s Reply.” *Id.* The email further notes that Olympus and Samsung had conferred with Patent Owner, and that Patent Owner “does not oppose the Joined Petitioners’ participation in the IPR provided that ZTE and the Joined Petitioners will not be filing separate Replies or seeking separate depositions.” *Id.*

Based on the facts presented and consistent with our prior Orders in related cases², we authorize Olympus and Samsung to participate actively

² See IPR2017-00415, Paper 17, and IPR2017-00443, Paper 16.

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and in coordination in the instant IPR—including filing a joint Petitioner’s Reply, participating together in coordinated discovery, and presenting an oral argument at the hearing—but no separate filings, depositions, or oral arguments from Petitioner are permitted, without prior authorization. *See* Paper 17 (dated Nov. 27, 2017, and naming new lead and back-up counsel).

Counsel for Olympus and Samsung should contact the Board’s administrative staff regarding filing privileges for PTAB E2E electronic filing system. Other means of filing are *not* authorized and any substantive papers previously submitted via email or other means of filing will *not* be entered or considered.

ORDER

In consideration of the foregoing, it is:

ORDERED that Olympus and Samsung are authorized to participate actively and in coordination in the instant IPR, including filing a joint Petitioner’s Reply, participating together in coordinated discovery, and presenting an oral argument at the hearing, but no separate filings, depositions, or oral arguments from Petitioner are permitted, without prior authorization.

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