

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SAMSUNG ELECTRONICS CO., LTD. AND  
SAMSUNG ELECTRONICS AMERICA, INC.,  
Petitioners,

v.

IMAGE PROCESSING TECHNOLOGIES, LLC,  
Patent Owner.

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Case IPR2017-01218  
Patent 8,983,134 B2

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Before JONI Y. CHANG and SHEILA F. McSHANE,  
*Administrative Patent Judges.*

McSHANE, *Administrative Patent Judge.*

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

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On May 3, 2018, pursuant to *SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1358 (2018), we issued an order modifying the institution decision to institute on all claims and grounds presented in the Petition in this proceeding. Paper 25. After a conference call, we issued a May 17, 2018, Order, allowing Petitioner to file a supplemental brief addressing the newly-instituted claims, limited to eight (8) pages, and no other briefing was authorized. Paper 26, 4–5.

On June 8, 2018, we received an email from Patent Owner seeking leave to file a reply to Petitioner’s supplement brief. The email indicated that Petitioner opposed the request.

We have reviewed Petitioner’s supplemental brief and it newly raises issues related to claim interpretation that Patent Owner should be afforded the opportunity to address. Accordingly, we permit Patent Owner to provide an eight (8) response to Petitioner’s supplemental brief to be filed by June 18, 2018. The response is limited to addressing the arguments presented in Petitioner’s supplemental brief and no additional evidence may be submitted. Additionally, Petitioner bears the ultimate burden of proof and we will allow a four (4) page reply to Patent Owner’s response to Petitioner’s supplemental brief to be filed by June 22, 2018. The reply is limited to addressing the arguments presented in Patent Owner’s response to Petitioner’s supplemental brief and no additional evidence may be submitted.

Accordingly, it is hereby:

ORDERED that Patent Owner may file response to Petitioner’s supplemental brief, limited to eight (8) pages, by June 18, 2018; and

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FURTHER ORDERED that Petitioner may file a reply to Patent Owner's response to Petitioner's supplemental brief; limited to four (4) pages, by June 22, 2018.

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