

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AT&T SERVICES, INC.,
Petitioner,

v.

CONVERGENT MEDIA SOLUTIONS, LLC,
Patent Owner.

Case IPR2017-01235
Patent 8,850,507 B2

Before JAMESON LEE, KEN B. BARRETT, and JOHN F. HORVATH,
Administrative Patent Judges.

HORVATH, *Administrative Patent Judge.*

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

I. INTRODUCTION

On September 8, 2016, Netflix, Inc. and Roku Inc. (“Netflix”) filed a petition challenging claims 1–18 (“the challenged claims”) of U.S. Patent No. 8,850,507 B2 (“the ’507 patent”). *See Netflix, Inc. and Roku Inc. v. Convergent Media Solutions, LLC*, Case IPR2016-01761 (PTAB Sep. 8, 2016), Paper 2 (“the related petition”). On March 3, 2017, we instituted trial on claims 1–17 of the ’507 patent. *See id.*, Paper 7 (“the related proceeding”).

On April 3, 2017, AT&T Services, Inc. (“AT&T”) filed (1) a petition challenging claims 1–17 of the ’507 patent on the same grounds which were instituted for trial in the related petition, and (2) a motion to join AT&T’s proceeding with the related proceeding. *See* Papers 1, 3.

On April 24, 2017, Netflix and Convergent Media Solutions, LLC, (“Patent Owner”, “CMS”) jointly requested authorization to file (1) a joint motion to terminate the related proceeding, and (2) a request for confidential treatment of settlement papers pursuant to 37 CFR §42.74(c).

On April 25, 2017, Judges Lee, Barrett, and Horvath conducted a conference call with counsel for AT&T, Netflix, and CMS. On the call were Mr. Bernstein and Mr. Ng for Netflix, Mr. Pankratz for AT&T, and Mr. Bumgardner and Mr. Juren for CMS. During the call, the Board discussed several upcoming deadlines, including deadlines for filing an opposition and reply to AT&T’s motion for joinder. Mr. Bumgardner indicated that CMS intended to file an opposition to AT&T’s motion for joinder by May 3, 2017, and Mr. Pankratz agreed that AT&T would file a reply by May 5, 2017. The Board also discussed the upcoming deadline for CMS to file a preliminary response in this proceeding. Specifically, the

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Board asked CMS whether it intended to file a preliminary response in this proceeding given that it did not file such a response in the related proceeding, and if so, whether it could file the preliminary response by June 6, 2017, the deadline for CMS to file a response in the related proceeding. Mr. Bumgardner indicated he would need to consult with his client prior to answering the Board's inquiry regarding the filing of a preliminary response. On April 25, 2017, Mr. Juren, co-counsel for CMS, emailed the Board indicating that CMS waives its right to file a preliminary response in this proceeding.

II. ORDER

It is hereby:

ORDERED that the deadline for CMS to file an opposition to AT&T's motion for joinder is May 3, 2017;

FURTHER ORDERED that CMS file, pursuant to 37 C.F.R. 42.107(b), a formal waiver of its right to file a preliminary response by May 3, 2017; and

FURTHER ORDERED that the deadline for AT&T to file a reply to CMS's opposition to AT&T's motion to joinder is May 5, 2017.

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