

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS COMPANY, LTD.,
Petitioner,

v.

DANIEL L. FLAMM,
Patent Owner.

Case IPR2017-01746 (Patent 6,017,221)¹
Case IPR 2017-01747 (Patent 5,711,849)
Case IPR 2017-01748 (Patent 5,711,849)
Cases IPR2017-01749, IPR2017-01750,
IPR2017-01751, IPR2017-01752 (Patent RE 40,264)

Before CHRISTOPHER L. CRUMBLEY and KIMBERLY McGRAW,
Administrative Patent Judges.

McGRAW, *Administrative Patent Judge.*

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

¹ This order addresses issues common to the listed cases; therefore, we issue a single order to be entered in each case. The parties are not authorized to use this style heading for any papers.

IPR2017-01746 (Patent 6,017,221)
IPR2017-01747 (Patent 5,711,849)
IPR 2017-01748 (Patent 5,711,849)

IPR2017-01749, IPR2017-01750,
IPR2017-01751, IPR2017-01752
(Patent RE 40,264)

The Board held a conference call on Wednesday, July 26, 2017, to discuss scheduling issues in IPRs2017-01746 through -01752 (“Current Proceedings”), including a request by Samsung Electronics Company, Ltd. (“Petitioner”) to shorten the time for Daniel L. Flamm (“Patent Owner”) to file his Preliminary Response. Counsel for Petitioner, counsel for Patent Owner, and Judges Crumbley and McGraw participated on the call.

In each of the Current Proceedings, Petitioner has filed a Motion for Joinder to join each Current Proceeding with one of the following instituted proceedings against Patent Owner: IPR2017-00279, IPR2017-00280, IPR2017-00281, IPR2017-00282, IPR2017-00391, IPR2017-00392, and IPR2017-00406 (“Previous Proceedings”). During the call, Petitioner stated that each Petition in the Current Proceedings is essentially a copy of one of the Petitions that was filed in one of the Previous Proceedings, raising only those grounds on which the Board instituted trial in the Previous Proceedings. Petitioner further requested that the deadline for Patent Owner to file his Preliminary Response in each of the Current Proceedings be shortened to August 10, 2017, which is the current deadline for Patent Owner to file his opposition to Petitioner’s Motions for Joinder. Patent Owner states that he has not yet had a chance to thoroughly review the Petitions filed in the Current Proceedings, but if the Petitions in the Current Proceedings are the same as the Petitions in the Previous Proceedings, such that there is nothing new added, then Patent Owner is amenable to shortening the deadline for filing the Preliminary Responses.

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Following discussion, Petitioner agreed to file its replies to Patent Owner's oppositions to Petitioner's Motions for Joinder by Monday, August 14, 2017. The parties further agreed to meet and confer on or before that date and discuss an agreeable date when Patent Owner's Preliminary Responses in the Current Proceedings will be due. The parties are to inform the Board of the results of the meet and confer no later than August 14, 2017, or earlier if they prefer. Petitioner also agreed to contact the petitioners in each of the Previous Proceedings to determine whether those petitioners oppose Petitioner's Motions for Joinder and to so inform the Board.

In view of the foregoing, it is

ORDERED that the parties meet and confer to agree upon a date when Patent Owner's Preliminary Response in the Current Proceedings will be due and that the parties so inform the Board via email of the results of the meet and confer no later than August 14, 2017;

FURTHER ORDERED that Petitioner's Reply to Patent Owner's Opposition to the Motions for Joinder in each of the Current Proceedings is due is August 14, 2017; and

FURTHER ORDERED that Petitioner is to contact the petitioners in the Previous Proceedings to determine whether the petitioners will oppose Petitioner's Motions for Joinder in the Current Proceedings and so inform the Board via email no later than August 14, 2017.

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IPR2017-01749, IPR2017-01750,
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(Patent RE 40,264)

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