

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner.

Case IPR2017-01799
Patent 8,199,747 B2

Before JENNIFER S. BISK, MIRIAM L. QUINN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

BOUDREAU, *Administrative Patent Judge*.

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

On February 20, 2018, Samsung Electronics America, Inc. (“Petitioner”) filed a Request for Rehearing under 37 C.F.R. § 42.71(d)(1) of the Board’s February 6, 2018, Decision on Institution (Paper 9) in the above-captioned proceeding. Paper 11. On February 22, 2018, without prior authorization or solicitation by the Board, Uniloc Luxembourg S.A. (“Patent Owner”) filed a Response to Petitioner’s Request for Rehearing. Paper 12. Thereafter, Petitioner, by email, requested leave from the Board to file a motion to strike and expunge Patent Owner’s Response. In its email message, Petitioner correctly pointed out that the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,768 (Aug. 14, 2012) directs that an “opposing party should not file a response to a request for rehearing absent a request from the Board.” As stated above, the Board did not request a response to Petitioner’s Request for Rehearing from Patent Owner. Nor did Patent Owner request authorization to file a response. Under the circumstances, we agree with Petitioner, without the need for a motion to strike, that Patent Owner’s uninvited, unauthorized Response is improper and that it should be expunged from the record of this proceeding. If we later determine that a response would be helpful we will authorize Patent Owner to file a response. Unless and until we do so, however, no further briefing is authorized in connection with Petitioner’s Request for Rehearing.

In consideration of the foregoing, it is:

ORDERED that Patent Owner’s Response to Petitioner’s Request for Rehearing (Paper 12) shall be expunged from the record of this proceeding; and

FURTHER ORDERED that no further briefing is authorized in connection with Petitioner’s Request for Rehearing at this time.

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