

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UBISOFT, INC.,  
Petitioner,

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,  
Patent Owner.

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Case IPR2017-01839  
Patent 6,324,578 B1

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Before SALLY C. MEDLEY, BARBARA A. BENOIT, and  
JESSICA C. KAISER, *Administrative Patent Judges*.

MEDLEY, Administrative Patent Judge.

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

On December 15, 2017, a conference call was held involving counsel for the respective parties and Judges Medley, Benoit, and Kaiser. The purpose of the conference call was for Petitioner to seek authorization to file a reply to Patent Owner's Preliminary Response. Patent Owner opposed.

During the conference call, Petitioner argued that we should authorize a reply to address a claim construction determination made in IPR2017-01290 ("the 1290 IPR") with respect to the term "installing," because such determination is relevant to the construction for the term "installing" for the instant proceeding.<sup>1</sup> In particular, Petitioner contended that there is good cause for considering a reply, because Petitioner could not have anticipated the panel's construction for the term "installing" in the 1290 IPR.

Our rules do not automatically authorize a petitioner to file a reply to a preliminary response. Rather, a petitioner seeking leave to file a reply must make a showing of good cause. 37 C.F.R. § 42.108(c). Based on the facts of this case and the arguments presented during the call, including Petitioner's request to file a reply to in essence respond to a claim construction determination made in a different case and not for the purpose of responding to arguments made in Patent Owner's Preliminary Response, the panel disagrees that further briefing would be helpful or is warranted under the good cause standard. For the foregoing reasons, Petitioner's request to file a reply to Patent Owner's Preliminary Response is *denied*.

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<sup>1</sup> During the call, we asked counsel for Petitioner how the patent involved in the 1290 IPR is relevant to the patent involved in this case. Petitioner stated that the applications that led to the patent involved in the 1290 IPR and the patent involved in this proceeding were filed on the same day, but acknowledged that the specifications of the two patents are not the same.

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*Order*

It is

ORDERED that Petitioner's request to file a reply to Patent Owner's Preliminary Response is *denied*.

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