

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC, ZTE (USA), INC.,
SAMSUNG ELECTRONICS CO., LTD.,
LG ELECTRONICS INC., HUAWEI DEVICE USA, INC.,
HUAWEI DEVICE CO. LTD., HUAWEI TECHNOLOGIES CO. LTD.,
HUAWEI DEVICE (DONGGUAN) CO. LTD.,
HUAWEI INVESTMENT & HOLDING CO. LTD.,
HUAWEI TECH. INVESTMENT CO. LTD., and
HUAWEI DEVICE (HONG KONG) CO. LTD.,
Petitioner,

v.

CYWEE GROUP LTD,
Patent Owner.

Case IPR2018-01257 (Patent 8,552,978 B2)
Case IPR2018-01258 (Patent 8,441,438 B2)

Before PATRICK M. BOUCHER, KAMRAN JIVANI, and
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

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

IPR2018-01257 (Patent 8,552,978 B2)

IPR2018-01258 (Patent 8,441,438 B2)

A conference call was held with the parties on August 15, 2019.¹
Two issues were discussed.

First, in compliance with 37 C.F.R. § 42.53(e), Google notified the Board by email correspondence on August 13, 2019 that a deposition in a foreign language is to take place on August 19, 2019 with an interpreter. The deposition is expected to take place via video conference, with the witness located in Taipei, Taiwan. We directed the parties to orders in *Ariosa Diagnostics v. ISIS Innovation Ltd.*, Case IPR2012-00022, Papers 55 and 67, for guidance regarding the conduct of depositions in a foreign language with an interpreter.

Second, Google contends that portions of CyWee’s Surreplies (Paper 48 in both proceedings) contain new arguments that could have been made in the Patent Owner Response. CyWee responds that the arguments are properly responsive to arguments made in the respective Replies, and notes that objections have been filed by Google (Paper 49 in both proceedings). We deny Google’s request for authorization to file a Motion

¹ When a roll call was taken of all individuals on the call, no one identified as representing joined petitioner Samsung Electronics Co., Ltd. Representatives of all other parties identified themselves as present on the call. Because Samsung was joined to these proceedings with the understanding that it is limited to an “understudy” role, we determined that we could proceed with the call without a representative of Samsung. *See* IPR2018-01257, Paper 36, 31–32. In particular, Samsung’s participation in these proceedings is subject to its agreement “to be bound by any agreement between Patent Owner and [Google] concerning discovery and/or depositions.” *Id.* at 32. Both Patent Owner and Google were afforded an explicit opportunity to object to proceeding with the call without the presence of a Samsung representative, and neither objected.

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to Strike portions of the Replies, but will hear argument from the parties on the issue at the oral hearing.

It is so ORDERED.

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