

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ZTE (USA), INC.,
Petitioner,

v.

FRACTUS S.A.,
Patent Owner.

Case IPR2018-01451¹
Patent 7,397,431 B2

Before PATRICK M. BOUCHER, KEVIN C. TROCK,
JOHN A. HUDALLA, and AVELYN M. ROSS,
Administrative Patent Judges.

BOUCHER, *Administrative Patent Judge.*

ORDER
Authorizing Additional Briefing
37 C.F.R. §§ 42.5, 42.71(d)

¹ This Order addresses the same issue in the *inter partes* reviews listed in the Appendix. We therefore issue a single order to be filed in all of the cases. We note also that the panels for the cases differ, as also indicated in the Appendix. The parties are not authorized to use this style of caption.

On April 9, 2019, a conference call was held with counsel for the parties to discuss a Rehearing Request filed by Petitioner in each of the proceedings identified in the Appendix. Paper 13.² A court reporter was present on the call, and Petitioner, who retained the reporter, will file a transcript of the call as an exhibit in each of the proceedings. Because a transcript of the call will be made of record, we provide only a brief summary of the issues discussed.

The call was held in response to an email request by Patent Owner for authorization to file Oppositions to the Rehearing Requests. Patent Owner contends that good cause exists to do so because arguments raised by Petitioner in the Rehearing Requests could and should have been made in the respective Petitions. Petitioner opposes Patent Owner's request for additional briefing, but agreed during the call that an opportunity to reply to Patent Owner's Oppositions would satisfy its concerns.

Under the specific circumstances of these proceedings, the panels determine that additional briefing would be beneficial and likely helpful in reaching a decision on the Rehearing Requests. Because Petitioner has the burden of showing that the Decisions denying institution in these proceedings should be modified, it is appropriate to afford Petitioner an opportunity to reply. *See* 37 C.F.R. § 42.71(d). Petitioner's Reply will be subject to the limitations in 37 C.F.R. § 42.23(b).

² Citations are to IPR2018-01451. Similar papers have been filed in each of the proceedings.

IPR2018-01451
Patent 7,397,431 B2

Accordingly, it is

ORDERED that Patent Owner is authorized to file a respective Opposition to the Rehearing Request filed in each of the proceedings identified in the Appendix, by April 24, 2019, limited to five pages; and

FURTHER ORDERED that Petitioner is authorized to file a respective Reply to Patent Owner's Opposition in each of the proceedings identified in the Appendix, by May 8, 2019, limited to five pages.

IPR2018-01451
Patent 7,397,431 B2

APPENDIX

U.S. Patent No.	<i>Inter Partes</i> Review	Panel
7,397,431 B2	IPR2018-01451	Boucher, Trock, Hudalla
7,394,432 B2	IPR2018-01455	Boucher, Trock, Hudalla
8,941,541 B2	IPR2018-01456	Boucher, Trock, Hudalla
8,976,069 B2	IPR2018-01457	Boucher, Trock, Hudalla
9,054,421 B2	IPR2018-01461	Boucher, Trock, Hudalla
9,240,632 B2	IPR2018-01462	Boucher, Hudalla, Ross
9,362,617 B2	IPR2018-01463	Boucher, Hudalla, Ross

IPR2018-01451
Patent 7,397,431 B2

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