

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LENOVO HOLDING COMPANY, INC., LENOVO (UNITED STATES)
INC., AND MOTOROLA MOBILITY LLC,
Petitioner,

v.

DODOTS LICENSING SOLUTIONS LLC,
Patent Owner.

IPR2019-01278 (Patent 8,020,083 B1)
IPR2019-01279 (Patent 8,510,407 B1)¹

Before JAMES A. WORTH, AMBER L. HAGY, and SHARON FENICK,
Administrative Patent Judges.

FENICK, *Administrative Patent Judge.*

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

Patent Owner filed, on behalf of both Patent Owner and Petitioner, a
Notice of Joint Stipulation to modify certain due dates in each of the above-
identified proceedings (IPR2019-01278, Paper 17; IPR2019-01279,

¹ This Order applies to each of the listed cases. The parties are not
authorized to use this caption for subsequent papers.

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Paper 16) (“Notices”). These Notices purported to stipulate to a change in the date for the portion of DUE DATE 3 related to Patent Owner’s reply to an opposition to amend (or Patent Owner’s revised motion to amend).

IPR2019-01278, Paper 17, 2–3; IPR2019-01279, Paper 16, 2–3. However, in our Scheduling Order for each of the proceedings, we indicate that “[t]he parties may stipulate different dates for . . . the portion of DUE DATE 3 related to Patent Owner’s sur-reply” but that “[t]he parties may not stipulate to a different date for the portion of DUE DATE 3 related to Patent Owner’s reply to an opposition to amend (or Patent Owner’s revised motion to amend) without prior authorization from the Board.” IPR2019-01278, Paper 9, 6; IPR2019-01279, Paper 8, 6.

We issued an Order in each proceeding returning the dates, with the exception of DUE DATE 1, to the dates set forth in the Scheduling Order. IPR2019-01278, Paper 18; IPR2019-01279, Paper 19. The Parties then filed in each proceeding a second Notice of Joint Stipulation, again purporting to stipulate to a change in the date for the portion of DUE DATE 3 related to Patent Owner’s reply to an opposition to amend (or Patent Owner’s revised motion to amend). IPR2019-01278, Paper 19; IPR2019-01279, Paper 19.

On May 4, 2020, we held a teleconference regarding this matter. Judges Worth, Hagy, and Fenick participated, along with counsel for Petitioner and counsel for Patent Owner. We explained the issue, and counsel for Patent Owner indicated that it was not planning to file a motion to amend in either proceeding. DUE DATE 1, by which date such motion to amend would have been filed, has now passed in each proceeding. Therefore, even though the second Notice of Joint Stipulation in each proceeding purports to change a portion of DUE DATE 3 that, by the terms

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of the Scheduling Order in each proceeding, cannot be changed, that point is now moot. As no motion to amend has been filed, the portion of DUE DATE 3 that would apply to further briefing or revision regarding a motion to amend is no longer applicable. Accordingly, as the basis for restricting the parties from stipulating to a revised DUE DATE 3 no longer applies, we honor the parties' agreements with respect to the due dates changed.

It is

ORDERED that the due dates for the filings by the parties in IPR2019-01278 are the due dates set forth in the Scheduling Order (Paper 9) in that proceeding, except as set forth in the second Notice of Joint Stipulation (Paper 19); and

FURTHER ORDERED that the due dates for the filings by the parties in IPR2019-01279 are the due dates as set forth in the Scheduling Order (Paper 8) in that proceeding, except as set forth in the second Notice of Joint Stipulation (Paper 19).

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