

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ZTE (USA), INC. and  
SAMSUNG ELECTRONICS CO., LTD.,  
Petitioners,

v.

BELL NORTHERN RESEARCH, LLC,  
Patent Owner.

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IPR2019-01365  
Patent 7,039,435 B2

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Before BRYAN F. MOORE and STACY B. MARGOLIES,  
*Administrative Patent Judges.*

MOORE, *Administrative Patent Judge.*

ORDER

Conduct of Proceedings  
37 C.F.R. § 42.5

and

AMENDED SCHEDULING ORDER

ZTE (USA) Inc. (“Petitioner ZTE”) filed a Petition (“Pet.,” Paper 1) pursuant to 35 U.S.C. § 311 to institute an *inter partes* review of claims 1–3 and 6 of U.S. Patent No. 7,039,435 B2 (“the ’435 patent,” Ex. 1001). On November 12, 2019, Bell Northern Research, LLC (“Patent Owner”) filed a Preliminary Response (“Prelim. Resp.,” Paper 8). On February 1, 2020, we instituted an *inter partes* review of claims 1–3 and 6 of the ’435 patent. Paper 15. On March 10, 2020, Samsung Electronics Co., Ltd (“Petitioner Samsung”) filed a Petition pursuant to 35 U.S.C. § 311 requesting *inter partes* review of claims 1–3 and 6 of the ’435 patent. IPR2020-00697, Paper 1. Petitioner Samsung also filed a Motion for Joinder seeking to join as a party to this proceeding. IPR2020-00697, Paper 4. On July 27, 2020, we granted the Samsung Petition and the Motion for Joinder. Paper 25.

Petitioner ZTE did not file a Petitioner’s Reply by the stipulated deadline for the Reply—July 28, 2020. *See* Paper 17, 1; Paper 26, 1–2. On July 30, Patent Owner and Petitioner ZTE sent an email to the Board, stating that the parties have settled and request authorization to file a motion to terminate ZTE from this proceeding. Ex. 3001. Subsequently, Petitioner Samsung filed an authorized motion arguing there is good cause to extend the deadline to file the Petitioner’s Reply because, due to an impending settlement between ZTE and Bell Northern and the timing of the granting of the Motion for Joinder, Petitioner Samsung did not get an opportunity to make arguments in a Petitioner’s Reply. Paper 26, 2–5. Petitioner Samsung also proposes revised dates for the remaining deadlines, including the date for oral argument (if requested). *Id.* at 4–5. In an authorized response, Patent Owner asserts is “does not oppose moving the oral argument date in

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this matter, provided there is no impact on the oral argument date for [IPR2019-01319 and 2019-01320].” Paper 27, 2.

We determine that good cause exists to extend the deadline for the Petitioner’s Reply. Petitioner Samsung proposes amended dates for the Petitioner’s Reply and the subsequent dates on the schedule. Paper 26, 4. Patent Owner does not propose alternate dates.<sup>1</sup> Paper 27. As reflected in the appendix below, we adopt Petitioner Samsung’s proposed dates with the exception of the due date of the oral hearing (Due Date 8). Due to scheduling concerns, we set the date of the oral hearing as December 1, 2020. This Order does not affect any dates in IPR2019-01319 and/or 2019-01320.

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<sup>1</sup> Petitioner Samsung requests that the Petitioner Reply be due “September 8, 2020 (or at least four weeks from the Board’s ruling).” Paper 26, 4. We do not add the additional four weeks after this decision as Petitioner Samsung appears to request in the alternative.

DUE DATE APPENDIX (Amended)

DUE DATE 2 ..... September 8, 2020

Petitioner's reply to Patent Owner's response to petition

Petitioner's opposition to motion to amend

DUE DATE 3 ..... October 20, 2020

Patent Owner's sur-reply to reply

Patent Owner's reply to opposition to motion to amend  
(or Patent Owner's revised motion to amend)

DUE DATE 4 ..... November 10, 2020

Request for oral argument (may not be extended by stipulation)

DUE DATE 5 ..... November 3, 2020

Petitioner's sur-reply to reply to opposition to motion to amend

Motion to exclude evidence

DUE DATE 6 ..... November 10, 2020

Opposition to motion to exclude

Request for prehearing conference

DUE DATE 7 ..... November 17, 2020

Reply to opposition to motion to exclude

DUE DATE 8 ..... December 1, 2020

Oral argument (if requested)

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