

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SLING TV L.L.C.,  
Petitioner,

v.

UNILOC 2017 LLC,  
Patent Owner.

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IPR2019-01367  
Patent 8,407,609 B2

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Before CHARLES J. BOUDREAU, DANIEL J. GALLIGAN, and  
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

DIRBA, *Administrative Patent Judge*.

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

On February 4, 2020, the Board instituted trial in this proceeding.  
Paper 7 (Institution Decision). The accompanying Scheduling Order states,  
“Unless the Board notifies the parties otherwise, oral argument, if requested,

will be held at the Dallas, Texas, USPTO Regional Office.” Paper 8, 5 (“Scheduling Order”). The Scheduling Order further states, “The parties may request that the oral argument instead be held at the San Jose, California, USPTO Regional Office,” and it authorizes the parties to “jointly file a paper stating their preference for the hearing location within one month of this Order.” *Id.* at 5–6.

On February 10, 2020, Petitioner filed a paper—expressly acknowledging that it was understood not to be joined by Patent Owner—requesting that oral argument be held at the Silicon Valley USPTO Regional Office in San Jose, California. Paper 9 (“Request”). Later that day, Patent Owner contacted the Board via email to confirm that it did not join the Request, to contend that Petitioner’s unilateral filing of the Request was improper, and to request “that the Board disregard or otherwise grant Patent Owner leave to move to strike” the Request.

Petitioner’s unilateral Request was not authorized by either the Scheduling Order or the panel. *See* 37 C.F.R. § 42.20(b) (“A motion will not be entered without Board authorization.”); *see also id.* at § 42.2 (“Motion means a request for relief other than by petition.”). Accordingly, we disregard the Request, and we exercise our discretion to expunge the unauthorized paper (Paper 9). *See* 37 C.F.R. § 42.7(a) (“The Board may expunge any paper . . . that is not authorized under this part or in a Board order . . .”).

We note, however, that under current Board procedures, Petitioner will have an opportunity later in this proceeding to request that its counsel appear in San Jose for oral argument. In particular, the panel will issue a hearing order, if the parties request an oral hearing, and hearing orders

currently provide authorization to each party to request that its counsel be permitted to present argument remotely from an alternative USPTO location, such as the Silicon Valley Office in San Jose, California. Moreover, even if the hearing order in this proceeding does not expressly include such an authorization, Petitioner may contact the panel promptly after receiving the hearing order to seek authorization to submit such a request.

Accordingly, it is:

ORDERED that no change is made to the Board's Scheduling Order (Paper 8), and accordingly, oral argument, if requested, will still be held at the Dallas, Texas, USPTO Regional Office, unless the Board notifies the parties otherwise;

FURTHER ORDERED that the panel will disregard Petitioner's unauthorized motion requesting a different oral hearing location (Paper 9);

FURTHER ORDERED that Paper 9 shall be expunged; and

FURTHER ORDERED that Patent Owner's request for leave to file a motion to strike Paper 9 is denied as moot.

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PETITIONER:

Eliot D. Williams  
G. Hopkins Guy  
Ali Dhanani  
BAKER BOTTS L.L.P.  
eliot.williams@bakerbotts.com  
hop.guy@bakerbotts.com  
ali.dhanani@bakerbotts.com

PATENT OWNER:

Ryan Loveless  
Brett Mangrum  
James Etheridge  
Jeffrey Huang  
ETHERIDGE LAW GROUP  
ryan@etheridgelaw.com  
brett@etheridgelaw.com  
jim@etheridgelaw.com  
jeff@etheridgelaw.com