

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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QUALCOMM INCORPORATED,  
Petitioner,

v.

REMBRANDT WIRELESS TECHNOLOGIES, LP,  
Patent Owner.

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IPR2020-00510  
Patent 8,023,580

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Before JEFFREY S. SMITH, DAVID C. McKONE, and  
KAMRAN JIVANI, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.05*

In a July 13, 2020, email to the Board, Petitioner requested a conference call to request leave to file a limited Reply to Patent Owner’s Preliminary Response, narrowly focused on construction of the term “addressed for an intended destination,” because, according to Petitioner, this term “does not appear to have previously been interpreted (implicitly or explicitly) more narrowly than its plain language, as Patent Owner now seeks to do.” On July 16, 2020, we held a conference call with the parties to discuss Petitioner’s request. During the conference call, Patent Owner objected to the request, contending that this term had been previously construed in Patent Owner’s Appeal Brief filed in the corresponding reexamination proceeding of this patent. A court reporter was present on the conference call and the parties will submit the transcript as an exhibit.

In the Patent Owner Preliminary Response (“POPR”), Patent Owner proposes construing “addressed for an intended destination” as “the address of the slave/trib transceiver that the master seeks to communicate with.” POPR 26–29. During the reexamination, Patent Owner contended that the Office did not give claims 2 and 59 their broadest reasonable construction because it failed to give weight to the multiple master/slave limitations. Ex. 1027, 1138–47. Patent Owner then argued that the Office’s failure to give weight to the claimed destination address limitations of claims 2 and 59 was unreasonable, and that the prior art did not disclose a packet that includes a destination address. Ex. 1027, 1209–14. During the reexamination, Patent Owner did not propose construing “addressed for an intended destination” as “the address of the slave/trib transceiver that the master seeks to communicate with.”

IPR2020-00510  
Patent 8,023,580

As we stated on the conference call, having considered the positions of the parties, we conclude that Petitioner has established good cause for further briefing. On the conference call, we authorized a reply and sur-reply directed to the construction of the term “addressed for an intended destination,” each limited to five pages and due, respectively, July 23, 2020, and July 30, 2020.

For the reasons set forth above, it is:

ORDERED that Petitioner is authorized to file a Reply to Patent Owner’s Preliminary Response, limited to five pages and narrowly focused on the construction of the term “addressed for an intended destination,” on or before July 23, 2020; and

FURTHER ORDERED that Patent Owner is authorized to file a Sur-reply thereto, limited to five pages and narrowly focused on the issues presented in the Reply, on or before July 30, 2020.

IPR2020-00510  
Patent 8,023,580

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