

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DELL INC.,
ZTE (USA) INC.,
AND
ZTE CORPORATION,
Petitioner,

v.

3G LICENSING S.A.,
Patent Owner.

IPR2020-01157 (Patent 7,274,933 B2)
IPR2020-01158 (Patent 7,460,868 B2)
IPR2020-01159 (Patent 7,596,375 B2)

Before TERRENCE W. MCMILLIN, AMANDA F. WIEKER, MONICA S. ULLAGADDI, and RUSSELL E. CASS, *Administrative Patent Judges*.¹

CASS, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Request for Additional Briefing
35 U.S.C. § 42.5; 37 C.F.R. § 42.108(c)

¹ This is not an expanded panel. A three-judge panel is assigned to each proceeding. The parties are not authorized to use this caption.

IPR2020-01157 (Patent 7,274,933 B2)
IPR2020-01158 (Patent 7,460,868 B2)
IPR2020-01159 (Patent 7,596,375 B2)

On November 23, 2020, Patent Owner filed a Preliminary Response to the Petition filed by Petitioner in each proceeding. *See* IPR2020-01157, Paper 8; IPR2020-01158, Paper 7; IPR2020-01159, Paper 7. On December 7, 2020, Petitioner’s counsel requested approval to file a reply brief to the Preliminary Response in each proceeding. In the proposed reply brief, Petitioner requests an opportunity to address two issues.

First, Petitioner requests an opportunity to address “an unforeseeable claim construction that Patent Owner presented and purported to use to distinguish several key pieces of prior art,” referencing pages 14–16 and 21–25 of the Preliminary Response. Second, Petitioner requests an opportunity to respond to “Patent Owner’s unforeseeable argument regarding the law that it contends prohibits certain disclosures related to technologies intended for future versions of a standard to be used to show obviousness,” referencing pages 28–29 of the Preliminary Response. Petitioner represents that Patent Owner opposes Petitioner’s request to file a reply brief.

We have reviewed the record and find that good cause exists to grant Petitioner’s request for additional briefing, in this circumstance. We also find that granting the request will not delay the proceedings or be wasteful of the Board’s resources. Accordingly, we authorize Petitioner to file a reply brief, limited to five pages in length, due December 16, 2020. We also authorize Patent Owner to file a five page sur-reply, due December 23, 2020. The reply and sur-reply briefs are limited to the issues raised by Petitioner, as summarized above.

Accordingly, it is:

IPR2020-01157 (Patent 7,274,933 B2)
IPR2020-01158 (Patent 7,460,868 B2)
IPR2020-01159 (Patent 7,596,375 B2)

ORDERED that, no later than Wednesday, December 16, 2020, Petitioner is authorized to file a reply brief of not more than five pages to Patent Owner's Preliminary Response, limited to the issues discussed in this Order; and it is

FURTHER ORDERED that, no later than Wednesday, December 23, 2020, Patent Owner is authorized to file a responsive sur-reply brief of not more than five pages limited to addressing the issues in Petitioner's reply brief.

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