

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. ,
Petitioner,

v.

LBT IP I LLC,
Patent Owner.

IPR2020-01189 (Patent 8,497,774 B2)
IPR2020-01190 (Patent 8,542,113 B2)
IPR2020-01191 (Patent 8,102,256 B2)
IPR2020-01192 (Patent 8,421,618 B2)
IPR2020-01193 (Patent 8,421,619 B2)¹

Before SHEILA F. McSHANE and JULIET MITCHELL DIRBA,
Administrative Patent Judges.

McSHANE, *Administrative Patent Judge.*

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

¹ We exercise our discretion to issue a single Order, to be filed in each case. The parties are not authorized to use this caption for subsequent papers.

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On August 11, 2021, Petitioner filed a Joint Stipulation to modify Due Dates 2, 3, and 5 in these cases, that included modifications to the dates for the motions to amend briefing. *See* Paper 23.² The Board expunged the Joint Stipulations because the Scheduling Orders (Paper 10, 8) and Orders for the Conduct of the Proceeding (Paper 14, 4) prohibited the parties from stipulating to different dates for briefing associated with the motions to amend. On August 12, 2021, Petitioner sought authorization for extensions to Dates 2, 3, and 5 to reset the due dates to September 3, October 15, and November 23, 2021, respectively, with no opposition to the request from Patent Owner.

On August 13, 2021, the Board conducted a call to discuss the request. Petitioner indicated the request had been made because of the volume of briefing required in five cases, with on-going concurrent expert depositions.

The Board is aware that addressing the motions to amend under the MTA Pilot Program in five parallel cases, along with addressing the merits associated with unpatentability issues, requires significant efforts by the parties. Nevertheless, we are constrained by statutory deadlines as reflected in the Scheduling Order (Paper 10), and, thus, do not grant the request for the full time requested and, instead, authorize extensions as follows:

Revised Due Date 2—August 30, 2021

Revised Due Date 3—October 12, 2021

Revised Due Date 5—November 19, 2021.

² We refer to the filings of IPR2020-01189 as representative.

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Please note that these due date extensions apply to briefings related to the motions to amend, and the parties remain free to stipulate to other due dates for other briefings and/or motions not associated with the motions to amend, as explained in the Scheduling Order. *See* Paper 10, 8–9.

Accordingly, it is

ORDERED that Petitioner’s request for authorization to extend due dates for briefing associated with the motions to amend is *granted-in-part*, with the due dates reset to:

Due Date 2 (Petitioner Opposition to MTA) —August 30, 2021

Due Date 3 (Patent Owner Reply to MTA) —October 12, 2021

Due Date 5 (Petitioner Sur-Reply to MTA) —November 19, 2021.

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