

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTEL CORPORATION,
Petitioner,

v.

FG SRC LLC,
Patent Owner.

Case No. IPR2020-01449
Patent 7,149,867

Before KALYAN K. DESHPANDE, GREGG I. ANDERSON, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

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

On May 18, 2021, Patent Owner contacted the Board by email to request “guidance regarding the current schedule in light of the Board’s pending decision on Petitioner’s Motion to Submit Supplemental Information.” Ex. 3005. Patent Owner stated that it “may seek an extension of the due date [May 26, 2021] for its Patent Owner Response and Motion to Amend based on the guidance that we receive from the Board.” *Id.*

On May 24, 2021, a conference call was held with counsel for the parties and Judges Szpondowski, Deshpande, and Anderson. During the call, Patent Owner requested guidance as to the timing of the Board’s decision on Petitioner’s Motion to Submit Supplemental (Paper 21, “Motion”),¹ and stated that if the Motion is granted, Patent Owner may need to conduct additional depositions. Patent Owner also suggested moving the due date of the Response to June 3, 2021. Petitioner opposed moving the due date of the Response, and suggested Patent Owner submit an additional paper, if necessary. Petitioner also argued that Patent Owner should have raised this timing issue sooner.

The Board indicated to the parties that a decision on the Motion was forthcoming. However, the Board recognized that it seemed reasonable to move the due date of the Patent Owner Response so that Patent Owner has the benefit of the Board’s decision on the Motion in preparing its Response, including any discovery. The Board also reminded the parties that they may adjust the due date of the Response without the Board’s authorization. The parties indicated that they would work together on a schedule for the Response.

¹ The Motion to Submit Supplemental Information was fully briefed as of May 12, 2021.

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Petitioner requested that (1) the due date for Patent Owner's Motion to Amend remain on May 26, 2021, and (2) Patent Owner identify, for scheduling purposes, which of the five individuals they would like to depose, assuming the Board grants the Motion. Patent Owner agreed to identify the individuals, but suggested keeping the Motion to Amend on the same schedule as the Response. Petitioner raised concerns as to compression of the schedule if the Motion to Amend date is also moved.

The Board indicated that there seemed to be no reason to move the due date on the Motion to Amend, as it was unrelated to the Motion, but that the parties should work together on a schedule for the Response, and if necessary, the Reply and Sur-Reply. The Board reminded the parties to file a stipulation of the schedule once they reached a compromise.

At the end of the conference call, the parties agreed to the following Order.

In consideration of the foregoing, it is hereby:

ORDERED that the parties shall meet and confer to determine an appropriate schedule for the Response and, if necessary, the Reply and Sur-Reply; and

FURTHER ORDERED, the deadline for Patent Owner to file a motion to amend, Due Date 1, remains May 26, 2021 (*see* Paper 14, 10 (Due Date Appendix)).

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