

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS, LLC,
Petitioner,

v.

ELECTRONICS AND TELECOMMUNICATIONS
RESEARCH INSTITUTRE,
Patent Owner.

IPR2021-00827
Patents 9,781,448 B2

Before JAMESON LEE and NATHAN A. ENGELS,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

Order
Conduct of the Proceeding
37 C.F.R. § 42.05

Introduction

On July 27, 2021, Patent Owner filed a Preliminary Response. Paper 7 (“Prelim. Resp.”). In the Preliminary Response, Patent Owner asserts that Petitioner’s “paying Video Codec Zone members” are real parties-in-interest who must be identified in the Petition. Prelim. Resp. 72–78. According to Patent Owner, “[t]he Board should deny institution under § 314(a) and 37 C.F.R. 42.108, or at least require Unified to identify its paying Video Codec Zone members as RPIs.” *Id.* at 78.

Discussion

It is appropriate to authorize Petitioner to file a reply to Patent Owner’s arguments in the Preliminary Response relating to identification of real parties-in-interest.

Order

It is

ORDERED that the Petitioner is authorized to file a preliminary reply to Patent Owner’s Preliminary Response within one week of the date of this Order, no more than seven pages in length and limited to Patent Owner’s assertion that Petitioner’s “paying Video Codec Zone members” are real parties-in-interest who must be identified in the Petition as real parties-in-interest;¹ and

FURTHER ORDERED that Patent Owner is authorized to file a preliminary sur-reply to respond to Petitioner’s preliminary reply, within one week of the filing of Petitioner’s preliminary reply, no more than five pages, and without submitting additional evidence or raising any new issue.

¹ Submission of evidence is authorized.

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For PETITIONER:

Eric A. Buresh
Robin Snader
Erise IP, P.A.
eric.buresh@eriseip.com
robin.snader@eriseip.com
ptab@eriseip.com

Roshan Mansinghani
Ashraf Fawzy
Jung S. Halm
Unified Patents, LLC
roshan@unifiedpatents.com
afawzy@unifiedpatents.com
jung@unifiedpatents.com

For PATENT OWNER:

W. Karl Renner
Roberto J. Devoto
Nicholas Stephens
Fish & Richardson P.C.
IPR07314-0040IP1@fr.com
PTABInbound@fr.com