

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC., and GOOGLE LLC,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

IPR2022-00385
Patent 9,843,215 B2

Before, JAMESON LEE, KARL D. EASTHOM, and
BRIAN J. McNAMARA, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

On May 9, 2022, Patent Owner filed a Preliminary Response. Paper 8. Patent Owner asserts that the Petition should be discretionarily denied under 35 U.S.C. § 314(a) by application of the factors set forth in *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 at 5–6 (PTAB Mar. 20, 2020) (precedential). Prelim. Resp. 41–53. Patent Owner also asserts that the Petition should be discretionarily denied under 35 U.S.C. § 314(a), as a “follow on” petition, by application of the factors set forth in *General Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 at 16 (PTAB Sept. 6, 2017) (precedential as to § II.B.4.i). *Id.* at 32–41.

It is

ORDERED that Petitioner is authorized to file a Preliminary Reply, limited to eight pages, to address the discretionary denial arguments of Patent Owner under 35 U.S.C. § 314(a), divided into two parts, one pertaining to factors under “*Fintiv*,” and the other pertaining to factors under “*Genral Plastic*,” due within one week of the day of entry of this Order;¹ and

FURTHER ORDERED that Patent Owner is authorized to file a Preliminary Sur-Reply, limited to eight pages, also divided into two parts, one pertaining to “*Fintiv*” factors and the other pertaining to “*General Plastic*” factors, due within one week of the filing of Petitioner’s Preliminary Reply, which only responds to Petitioner’s Preliminary Reply on the issue of discretionary denial under 35 U.S.C. § 314(a), not to advance additional arguments not included in the Preliminary Response.

¹ In particular, we would like Petitioner to inform the Board what relationship exists between any of Petitioner’s real parties in interest and Patent Owner.

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FOR PETITIONER:

John Kappos
Cameron W. Westin
O'Melveny & Myers LLP
jkappos@omm.com
cwestin@omm.com

Naveen Modi
Joseph E. Palys
Phillip Citroën
Paul M. Anderson
Quadeer A. Ahmed
Paul Hastings LLP
PH-Google-Scramoge-IPR@paulhastings.com

FOR PATENT OWNER:

Bret Cooper
Reza Mirzaie
Russ, August & Kabat
bcooper@raklaw.com
rmirzaie@raklaw.com
rak_scramoge@raklaw.com