

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

SCRAMOGE TECHNOLOGY LTD.,
Patent Owner.

IPR2022-00241 (Patent 9,825,482 B2)
IPR2022-00284 (Patent 9,997,962 B2)
IPR2022-00385 (Patent 9,843,215 B2)¹

Before JAMESON LEE, KARL D. EASTHOM, BRIAN J. McNAMARA,
and AARON W. MOORE, *Administrative Patent Judges*.²

LEE, *Administrative Patent Judge*.

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

¹ This Order addresses the same issue for the above-identified proceedings.

² This is not an expanded panel. Judges Lee, Easthom, and Moore are the panel for IPR2022-00241 and IPR2022-00284. Judges Lee, Easthom, and McNamara are the panel for IPR2022-00385.

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I. INTRODUCTION

On September 19, 2022, a conference call was held in the above-identified proceedings. In each of these proceedings, Petitioner entities Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively “Samsung”) were terminated on August 29, 2022, by reason of settlement. The participants to the conference call were lead and backup counsel for Petitioner, lead counsel for Patent Owner, and Mr. Steve Chiang representing RPX Corp. who is not a party, and Judges Jameson Lee, Karl Easthom, Aaron Moore, and Brian McNamara.

The matter discussed was the parties having filed a redacted copy of their Escrow Agreement in these proceedings, i.e., Exhibit 1034 in IPR2022-00385, Exhibit 1019 in IPR2022-00241, and Exhibit 1029 in IPR2022-00284. The parties previously represented to the Board that RPX Corp. is the only entity who possesses an unredacted copy of the Escrow Agreement. IPR2022-00385, Paper 21, 2.

II. DISCUSSION

During the conference call, Mr. Chiang informed the judges that RPX Corp. has agreed to send an unredacted copy of the Escrow Agreement to counsel for Patent Owner, for counsel for Patent Owner to file the unredacted copy with the Board and designate its access status as “Board only.” Counsel for the parties confirmed and agreed with that proposal. We also approved that proposed course of action

The parties had previously requested to have their Escrow Agreement treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c). We regard the request as extending to the unredacted

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version of the Escrow Agreement, and herein grant that request as applied to the unredacted version of the Escrow Agreement as well.

The parties further represented that they will take the same course of action in IPR2022-00478, IPR2022-00636, IPR2022-00643, IPR2022-00653, IPR2022-00683, IPR2022-00939, IPR2022-01052, IPR2022-01053, IPR2022-01054, IPR2022-01055, IPR2022-01056, IPR2022-01057, and IPR2022-01058.

III. ORDER

For the reasons discussed above, it is

ORDERED that Patent Owner shall, within five business days from September 19, 2022 (by Monday, September 26, 2022) file an unredacted version of the Escrow Agreement, in each of IPR2022-00385, IPR2022-00241, and IPR2022-00284, and designate the corresponding access as “Board only”;³

FURTHER ORDERED that the unredacted version of the Escrow Agreement, when filed, will be treated as confidential business information under 35 U.S.C. § 317(b) and 37 C.F.R. § 42.74(c); and

FURTHER ORDERED that a copy of this Order will be entered in each of IPR2022-00478, IPR2022-00636, IPR2022-00643, IPR2022-00653, IPR2022-00683, IPR2022-00939, IPR2022-01052, IPR2022-01053, IPR2022-01054, IPR2022-01055, IPR2022-01056, IPR2022-01057, and IPR2022-01058 as a 3000 series exhibit.

³ Counsel for Patent Owner represented that Patent Owner will make the same filing by September 26, 2022, in IPR2022-00478, IPR2022-00636, IPR2022-00643, IPR2022-00653, IPR2022-00683, IPR2022-00939, IPR2022-01052, IPR2022-01053, IPR2022-01054, IPR2022-01055, IPR2022-01056, IPR2022-01057, and IPR2022-01058.

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