

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC. and APPLE INC.,
Petitioner,

v.

SMART MOBILE TECHNOLOGIES LLC,
Patent Owner.

IPR2022-01248 (Patent 8,842,653 B1)
IPR2022-01249 (Patent 9,019,946 B1)¹

Before HYUN J. JUNG, GARTH D. BAER, and AARON W. MOORE,
Administrative Patent Judges.

JUNG, *Administrative Patent Judge.*

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

¹ We use our discretion to issue one order for both proceedings. The parties are not authorized to use this type of caption.

IPR2022-01248 (Patent 8,842,653 B1)

IPR2022-01249 (Patent 9,019,946 B1)

A conference call in the above-captioned proceedings was held on March 1, 2023 with Mr. Jeremy Monaldo, counsel for Petitioner Samsung Electronics Co. Ltd. and Samsung Electronics America, Inc.; Mr. Parham Hendifar, counsel for Patent Owner Smart Mobile Technologies LLC in IPR2022-01248; Mr. Philip Graves, counsel for Patent Owner in IPR2022-01249; and Judges Jung, Baer, and Moore.

In a prior email to the Board, Petitioner requested authorization to file a motion to submit supplemental information in each proceeding. Petitioner indicated that Patent Owner opposed the request. A conference call was arranged to discuss the request.

During the conference, the parties discussed, *inter alia*, whether the supplemental information in the form of a declaration from Petitioner's declarant to address issues regarding certain claims would be helpful or prejudicial, the sufficiency of the petitions filed in both proceedings, and the potential impact on the trial schedules.

We took the matter under advisement. Upon further consideration, we authorize Petitioner to file a motion to submit supplemental information in each proceeding. The motion is limited to ten pages of argument and must be filed within five business days of the date of this Order. As discussed during the conference, Petitioner can also file the proposed declaration with its motion in an appendix to the motion, and the proposed declaration is not subject to page limit stated above. No other evidence may be filed with the motion.

Patent Owner may file an opposition to Petitioner's motion in each proceeding limited to ten pages of argument within within five business days

IPR2022-01248 (Patent 8,842,653 B1)

IPR2022-01249 (Patent 9,019,946 B1)

of being served with the motion. No additional evidence may be filed with opposition.

Also, as discussed during the conference, a reply to Patent Owner's opposition is not authorized. If either party believes additional evidence is necessary, it should meet and confer with the other side and contact the Board by email.

ORDER

It is hereby:

ORDERED that Petitioner is authorized to file a motion to submit supplemental information limited to ten pages of argument within five (5) business days of the date of this Order in each proceeding;

FURTHER ORDERED that Patent Owner may file an opposition limited to ten pages of argument within five (5) business days of being served with the motion in each proceeding; and

FURTHER ORDERED that no reply to the opposition is authorized.

IPR2022-01248 (Patent 8,842,653 B1)

IPR2022-01249 (Patent 9,019,946 B1)

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IPR2022-01248 (Patent 8,842,653 B1)

IPR2022-01249 (Patent 9,019,946 B1)

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