

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC. and LG ELECTRONICS USA, INC.,
Petitioner,

v.

IMAGE PROCESSING TECHNOLOGIES, LLC,
Patent Owner.

IPR2023-00104
Patent 6,959,293 B2

Before MICHAEL R. ZECHER, BARBARA A. BENOIT, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

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

On April 28, 2023, Petitioner contacted the Board via e-mail (Ex. 3002) requesting authorization to file various documents from the parallel district court litigation between Patent Owner and Petitioner. Specifically, Petitioner seeks authorization to file (i) a transcript from the recent claim construction hearing (“transcript”), (ii) a tentative order from the recent claim construction hearing (“tentative construction order”), and (iii) an April 20, 2023 Joint Motion to Amend the Docket Control Order and the proposed order to that motion (“Joint Motion”). *Id.* Petitioner also seeks to file a two-page paper “stating the relevance of each of those items to Patent Owner’s arguments for discretionary denial under 35 U.S.C. §§ 314(a) and 325(d).” *Id.*

This is Petitioner’s second request for additional briefing in response to Patent Owner’s Preliminary Response (Paper 6), filed on February 21, 2023. With our prior authorization (Paper 7), Petitioner filed a Preliminary Reply (Paper 8), limited to addressing Patent Owner’s arguments for discretionary denial under 35 U.S.C. §§ 314(a) and 325(d), and Patent Owner filed a Preliminary Sur-reply addressing these same issues (Paper 9). That round of additional briefing was completed on March 15, 2023.

Unlike Petitioner’s prior request on March 1, 2023 (Ex. 3001) that we granted (Paper 7), Patent Owner this time opposes submission of the transcript and tentative construction order as premature. Ex. 3002. We further note that Petitioner did not request us to construe any claim terms in its Petition. *See* Paper 1 (“Pet.”) at 20–22. Nor did Patent Owner propose

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any claim constructions in its Preliminary Response. *See generally* Prelim. Resp.

The statutory deadline for a decision whether to institute *inter partes* review is May 19, 2023. Petitioner indicates that the parties are available at various times between May 3rd and May 5th to discuss Petitioner's request that Patent Owner partially opposes. Ex. 3002.

On balance, particularly considering Petitioner's position on claim construction in this proceeding (or lack thereof, *see* Pet. 20–22), Petitioner's prior opportunity to respond to Patent Owner's Preliminary Response arguments (*see* Paper 8), and the timing of Petitioner's opposed request, we determine that no good cause exists to authorize a second round of additional briefing at this late stage in the preliminary proceeding. Petitioner's request is DENIED.

It is so ORDERED.

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