

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONIC SCO., LTD,
SAMSUNG ELECTRONICS AMERICA, INC.,
Petitioner,

v.

SLYDE ANALYTICS, LLC,
Patent Owner.

IPR2024-00006 (Patent 8,588,033 B2)
IPR2024-00040 (Patent 9,804,678 B2)
IPR2024-00041 (Patent 10,198,085 B2)¹

Before JAMESON LEE, ST. JOHN COURTENAY III, and
JOHN F. HORVATH, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

¹ We use this combined caption because the same issue is involved in all three cases. The parties are not authorized to file a combined paper with a combined caption.

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I. INTRODUCTION

A conference call was held on February 20, 2024, between respective counsel for the parties and Judges Lee, Courtenay III, and Horvath, in response to Petitioner's email of February 8, 2024 (Ex. 3001). Petitioner stated: "[I]f the Board would prefer Petitioner to address [*Fintiv*] issue in a paper," Petitioner requests authorization to address Patent Owner's arguments for discretionary denial under Section 314(a) in IPR2024-00006, IPR2024-00040, IPR2024-00041. Ex. 3001.

During the conference call, the panel heard arguments from both parties. For reasons discussed below, in this proceeding, Petitioner's request is *granted*.

II. DISCUSSION

The filing of a preliminary reply is not automatically authorized by the rules. "A petitioner may seek leave to file a reply to the preliminary response in accordance with §§ 42.23 and 42.24(c). Any such request must make a showing of good cause." 37 C.F.R. § 42.108(c).

With regard to discretionary denial under 35 U.S.C. § 314(a), Petitioner indicates in its email that it has filed a *Sotera*-type stipulation and that that should moot the issue. Ex. 3001. However, in the conference call, counsel for Patent Owner represented that Patent Owner does not withdraw its request for discretionary denial under 35 U.S.C. § 314(a). Accordingly, there is good cause to allow Petitioner an opportunity to respond to Patent Owner's arguments under 35 U.S.C. § 314(a).

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III. ORDER

It is

ORDERED that Petitioner's request to file a preliminary reply is
granted;

FURTHER ORDERED that the preliminary reply is limited to three
pages and due February 27, 2024; and

FURTHER ORDERED that Patent Owner is authorized to file a
preliminary sur-reply, limited to three pages and due March 1, 2024.

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