

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC, LG ELECTRONICS U.S.A., INC. and
VIZIO, INC.,¹
Petitioners,

v.

MULTIMEDIA TECHNOLOGIES PTE. LTD.,
Patent Owner.

IPR2024-00351 (Patent 9,510,040 B2)
IPR2024-00352 (Patent 9,247,174 B2)
IPR2024-00354 (Patent 10,419,805 B2)
IPR2024-00694 (Patent 9,510,040 B2)
IPR2024-00696 (Patent 9,247,174 B2)
IPR2024-00699 (Patent 10,419,805 B2)

Before ST. JOHN COURTENAY III, MICHAEL R. ZECHER, and
SHARON FENICK, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

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

¹ LG Electronics, Inc. and LG Electronics U.S.A., Inc. are the Petitioner in IPR2024-00351, IPR2024-00352, and IPR2024-00354, whereas VIZIO, Inc. is the Petitioner in IPR2024-00694, IPR2024-00696, and IPR2024-00699.

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IPR2024-00699 (Patent 10,419,805 B2)

I. BACKGROUND

In December 2023, Petitioner, LG Electronics, Inc. and LG Electronics U.S.A., Inc. (collectively, “LG”), filed Petitions requesting *inter partes* reviews of U.S. Patent Nos. 9,510,040 B2 (IPR2024-00351, “the ’351 IPR”), 9,247,174 B2 (IPR2024-00352, “the ’352 IPR”), and 10,419,805 B2 (IPR2024-00354, “the ’354 IPR”) (collectively, “the LG cases”), each of which are owned by Patent Owner, Multimedia Technologies Pte. Ltd. (“Multimedia”). In these three proceedings, LG identified Mr. David McCombs as Lead Counsel (*see e.g.*, IPR2024-00351, Paper 1 (Petition), 95), and Multimedia identified Mr. Ryan Singer as Lead Counsel (*see e.g.*, IPR2024-00351, Paper 4 (Multimedia’s Mandatory Notices), 3).

On March 14, 2024, Petitioner, VIZIO, Inc. (“VIZIO”), filed copycat Petitions requesting *inter partes* reviews in IPR2024-00694, IPR2024-00696, and IPR2024-00699 (collectively, “the VIZIO cases”) involving the same three patents at issue in IPR2024-00351, IPR2024-00352, and IPR2024-00354, respectively. On that same day, VIZIO also filed Motions for Joinder in each of the VIZIO cases requesting joinder to each of the LG cases² (*see e.g.*, IPR2024-00694, Paper 3 (Petitioner’s Motion for Joinder)).

² The Motions for Joinder indicate IPR2024-00694 seeks joinder with IPR2024-00351, IPR2024-00696 seeks joinder with IPR2024-00352, and IPR2024-00699 seeks joinder with IPR2024-00354.

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The VIZIO cases were assigned to the same panel of Administrative Patent Judges that were assigned to the LG cases. VIZIO identified Mr. Steven Hartsell as Lead Counsel in the VIZIO cases (*see e.g.*, IPR2024-00694, Paper 1 (Petition), 95).

As of March 25, 2024, the date of the conference call discussed below, Multimedia had not entered Powers of Attorney or Mandatory Notices in the VIZIO cases.

II. DISCUSSION

On March 20, 2024, pursuant to the Consolidated Trial Practice Guide (November 2019),³ VIZIO sent an email communication to the Board requesting a conference call to discuss the Motion for Joinders filed in the VIZIO cases. Ex. 3001 (in all six proceedings). On March 25, 2024, Judges Courtenay, Zecher, and Fenick held a conference call with representatives of LG (Mr. McCombs), VIZIO (Mr. Hartsell), and Multimedia (Mr. Singer) to discuss the Motions for Joinder filed in the VIZIO cases. The parties in these six proceedings did not arrange for a court reporter.

During the conference call, Multimedia's counsel contended that the Motions for Joinder in the VIZIO cases were filed prematurely and, as a result, he asserted that we should dismiss the Motions for Joinder and

³ Available at

<https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf?MURL=TrialsPracticeGuideConsolidated>

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instruct VIZIO to refile them only if we were to grant institution in the LG cases. Multimedia's counsel also represented that he intends to oppose the Motions for Joinder and file Preliminary Responses in the LG and VIZIO cases. In response, VIZIO's counsel expressed concerns about the potential impact of dismissing the Motions for Joinder, especially if LG and Multimedia were to reach a settlement in the LG cases.

As it stands now, the Preliminary Responses in the LG cases were filed on March 29, 2024 in the '351 IPR (Paper 5) and on March 28, 2024 in the '352 IPR (Paper 6), with a Preliminary Response (if any is filed) expected on or before April 11, 2024 (the '354 IPR). We expect to issue decisions on institution in these three cases by late June 2024 or early July 2024. *See* 35 U.S.C. § 314(b)(1), (2).

Under the provisions of 37 C.F.R. § 42.25(a)(1) (2023), Multimedia's Oppositions to the Motions for Joinder would be due by April 14, 2024, one month after VIZIO filed its copycat Petitions and Motions for Joinder on March 14, 2024. Preliminary Responses by Multimedia in response to the VIZIO Petitions are due by June 21, 2024 (*see, e.g.*, IPR2024-00694, Paper 4 (Notice of Filing Date Accorded to Petition and Time for Filing Patent Owner Preliminary Response)). Accordingly, Multimedia's Oppositions to the Motions for Joinder and its Preliminary Responses would be due in the VIZIO cases before we enter institution decisions in the LG cases.

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Based on these unique circumstances, we exercise our authority under 37 C.F.R. § 42.5(a) and (b) (2023) to suspend the due dates for Multimedia to file Oppositions to the Motions for Joinder and Preliminary Responses in the VIZIO cases. During the conference call, the parties agreed to the newly proposed due dates for filing Oppositions to the Motions for Joinders and Preliminary Responses in the VIZIO cases set forth below.

III. ORDER

It is:

ORDERED that Multimedia's Opposition to the Motion for Joinder, should it choose to file one, is due in each of the VIZIO cases two weeks after any institution decision, termination, or dismissal of the Petition in each of the LG cases;

FURTHER ORDERED that VIZIO's Reply to the Opposition, should it choose to file one, is due two weeks after any Opposition is filed in each of the VIZIO cases; and

FURTHER ORDERED that Multimedia's Preliminary Response in each of the VIZIO cases, should it choose to file one, is due one month after any institution decision, termination, or dismissal of the Petition in each of the LG cases, so long as that due date is not before the original due date for filing Multimedia's Preliminary Responses in the VIZIO cases (i.e., June 21, 2024).

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