

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, INC.,
Petitioner,

v.

VISUAL REAL ESTATE, INC.,
Patent Owner.

Cases¹

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

Before MICHAEL R. ZECHER, BEVERLY M. BUNTING, and
KEVIN W. CHERRY, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

ORDER

¹ This Order addresses issues that are identical in all four cases. We exercise our discretion to issue one Decision to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

An initial conference call for Case IPR2014-01339 took place on February 26, 2015, and an initial conference call for Cases IPR2014-01338, IPR2014-01340 and IPR2014-01341 occurred on March 23, 2015. In each call, the parties were represented by their respective counsel. Administrative Patent Judges Zecher, Bunting, and Cherry participated. No court reporter was present on either call.

The following matters were discussed during the initial conference calls:

1. Schedule

The parties represented that these proceedings are related and, if possible, the due dates in Case IPR2014-01339 be modified so that they follow the same due dates set forth in the Scheduling Orders entered in Cases IPR2014-01338, IPR2014-01340, and IPR2014-01341. Moreover, the parties did not propose any further changes to the due dates set forth in the Scheduling Orders entered in Cases IPR2014-01338, IPR2014-01340, and IPR2014-01341. We informed the parties that, because these proceedings are related, efficiencies may be achieved by consolidating the schedules. We explained that we would enter a Revised Scheduling Order in Case IPR2014-01339 to reflect the changed due dates. We noted, however, that the due dates in Cases IPR2014-01338, IPR2014-01340, and IPR2014-01341 would remain the same.

2. Protective Order

No protective order has been entered. The parties should contact the Board to request entry of a protective order, if necessary.

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

3. Initial Disclosures

The parties have worked out Patent Owner's question relating to the identification of other matters in which Petitioner's declarant testified on Petitioner's behalf.

4. Additional Discovery and Compelled Testimony

Patent Owner indicated that it may request additional discovery; however, neither party anticipates requesting additional discovery at this time.

6. Motion to Amend

Patent Owner indicated that it may file a motion to amend in each of these proceedings, and was instructed to request a conference with the Panel for guidance before filing the motions to amend. *See* 37 C.F.R. § 42.121 (A patent owner may file one motion to amend a patent, but only after conferring with the Board.)

7. Other Motions

Patent Owner indicated that it may file a motion to exclude. No other motions were authorized.

8. Settlement

The parties indicated that there has been some initial discussion, but they have yet to reach an agreement.

9. Other Matters

The parties intend to conduct one omnibus deposition of Petitioner's expert covering all the proceedings, and agree to enter the deposition transcript in each proceeding.

IPR2014-01338 (Patent 7,389,181 B2)
IPR2014-01339 (Patent 7,389,181 B2)
IPR2014-01340 (Patent 7,929,800 B2)
IPR2014-01341 (Patent 8,078,396 B2)

It is, therefore,

ORDERED that the Scheduling Order entered in Case IPR2014-01339 on January 26, 2015, be replaced by the Revised Scheduling Order accompanying this Order; and

FURTHER ORDERED that the due dates set forth in the Scheduling Orders entered in Cases IPR2014-01338, IPR2014-01340, and IPR2014-01341 remain the same.

For PETITIONER:

Michael T. Hawkins
John C. Phillips
Kim H. Leung
Patrick J. Bisenius
David S. Almeling
Fish & Richardson P.C.
Hawkins@fr.com
phillips@fr.com
leung@fr.com
bisenius@fr.com
IPR19473-0324IP1@fr.com

For PATENT OWNER:

Charles R. Macedo
Brian A. Comack
Amster, Rothstein & Ebenstein LLP
Joseph P. Kincart
Ideation Law, PLLC
cmacedo@arelaw.com
VRE-IPR@arelaw.com
JKincart@ideationlaw.com