

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SILICON LABORATORIES, INC.,
Petitioner,

v.

CRESTA TECHNOLOGY CORPORATION,
Patent Owner.

Cases¹
IPR2015-00615 (Patent 7,075,585 B2)
IPR2015-00626 (Patent 7,265,792 B2)

Before PHILLIP J. KAUFFMAN, and PATRICK M. BOUCHER
Administrative Patent Judges.

KAUFFMAN, *Administrative Patent Judge.*

Conduct of the Proceeding
37 C.F.R. §§ 42.5, 42.7

¹ This order applies to both cases. The parties are not authorized to use this style heading in subsequent papers.

IPR2015-00615 (Patent 7,075,585 B2)

IPR2015-00626 (Patent 7,265,792 B2)

On May 23, 2016, Judges Kauffman and Boucher held a conference call with counsel for the parties. Patent Owner provided a court reporter, and will file the transcript of this call.

Patent Owner requested a conference call to discuss expunging Petitioner's Responses to Patent Owner's Motion for Observations (IPR2015-00615, Paper 36; IPR2015-00626, Paper 37).² Specifically, Patent Owner contends that these papers: (1) exceed the page limit permitted by 37 C.F.R. § 42.24(a)(1)(v) of fifteen pages, and (2) improperly include argumentative responses prohibited by the Board's Scheduling Order and the PTAB Practice Guide. As an example of an argumentative response, Patent Owner identifies the following:

The Board previously found this combination is obvious in IPR2014- 00728. In this trial, Patent Owner does not contest the Board's finding that it would have been obvious to use Harris's FIR filter to implement the adaptive bandpass filter of Thomson. IPR2015-00626, Paper 37, 4.³ Patent Owner contends that the argumentative nature of these characterizations is improper.

Petitioner concedes the papers at issue exceed the applicable page limit. However, according to Petitioner, the papers repeat each of Patent Owner's observations and when those observations are not repeated, the papers are within the applicable page limit.

Petitioner contends that the characterizations identified by Patent Owner are accurate and are provided for context, and in that light do not

² Patent Owner filed an observation on cross-examination of Petitioner's reply witness, Dr. Holberg. IPR2015-00615, Paper 31; IPR2000626, Paper 32.

³ Content in the corresponding Paper in IPR2015-00615 is similar.

IPR2015-00615 (Patent 7,075,585 B2)

IPR2015-00626 (Patent 7,265,792 B2)

exceed what is permissible according to the Trial Practice Guide. *See* 77 Fed. Reg. 48,756, 48,767–68 (Aug. 14, 2012) (“[t]he Board *may* refuse entry of excessively long or argumentative observations (or responses)” (emphasis added)).

When preparing the final written decision for each of these proceedings, the Board will evaluate Petitioner’s responses in light of Patent Owner’s comments and the guidance in the Trial Practice Guide.

ORDER

It is ORDERED that Petitioner delete Patent Owner’s observations from each paper and file these papers with no other changes;⁴ and

FURTHER ORDERED that Patent Owner’s request to expunge the papers at issue is *denied*.

⁴ The original Papers will remain in the record.

IPR2015-00615 (Patent 7,075,585 B2)

IPR2015-00626 (Patent 7,265,792 B2)

PETITIONER:

Peter J. Ayers

John M. Shumaker

Brian Mangum

LEE & HAYES, PLLC

peter@leehayes.com

jshumaker@leehayes.com

brianm@leehayes.com

PATENT OWNER:

Michael R. Fleming

Benjamin Haber

IRELL & MANELLA LLP

mfleming@irell.com

bhaber@irell.com

Mihai Murgulescu

Mihaihm2000@gmail.com