

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COX COMMUNICATIONS, INC.,  
Petitioner,  
v.  
AT&T INTELLECTUAL PROPERTY I, L.P. and  
AT&T INTELLECTUAL PROPERTY II, L.P.,  
Patent Owners.<sup>1</sup>

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Case IPR2015-01187 (Patent 6,993,353 B2)  
Case IPR2015-01227 (Patent 7,907,714 B2)  
Case IPR2015-01273 (Patent 6,487,200 B1)  
Case IPR2015-01536 (Patent 8,855,147 B2)<sup>2</sup>

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Before MICHAEL R. ZECHER, BRIAN P. MURPHY, and  
SHEILA F. McSHANE, *Administrative Patent Judges*.

PER CURIAM.

ORDER  
Conduct of the Proceedings  
*37 C.F.R. §§ 42.5, 42.20(b)*

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<sup>1</sup> AT&T Intellectual Property I, L.P., is the Patent Owner in Case IPR2015-01227, whereas AT&T Intellectual Property II, L.P. is the Patent Owner in Cases IPR2015-01187, IPR2015-01273, and IPR2015-01536.

<sup>2</sup> This Order addresses similar issues in all the referenced cases, therefore, we issue a single Order to be filed in each case. The parties are not authorized to use this style of caption in any other filings.

IPR2015-01187 (Patent 6,993,353 B2)  
IPR2015-01227 (Patent 7,907,714 B2)  
IPR2015-01273 (Patent 6,487,200 B1)  
IPR2015-01536 (Patent 8,855,147 B2)

On April 1, 2016, an email correspondence was received from Patent Owners, AT&T Intellectual Property I, L.P. and AT&T Intellectual Property II, L.P. (“AT&T”), indicating that, as a result of an allegation of conflict that arose in the course of real party-in-interest (“RPI”) discovery, AT&T had engaged new counsel to handle RPI-related discovery and issues. Because new counsel required some time to become familiar with the RPI-discovery and related issues, and with the AT&T’s Responses due on April 8, 2016, AT&T sought leave to address the RPI issues in a separate, later Motion to Dismiss, instead of as part of its Responses. According to AT&T, this approach was proffered in order to maintain the trial schedules currently in place and to allow the parties time to resolve the outstanding discovery issues.

On April 6, 2016, a conference call was held with counsel for all parties and Judges Zecher, Murphy, and McShane to discuss AT&T’s request for authorization to file a Motion to Dismiss in each case. During the conference call, AT&T represented that the issues related to the conflict of interest only recently arose, and also that it did not intend to file Motions to Amend in these cases. In light of this representation, different scheduling options were discussed with the parties.

After further discussion, and with the agreement of counsel from both parties, we declined to authorize AT&T’s proposed Motions to Dismiss, and instead authorized extensions for the due dates for the reply to opposition to motion to exclude (“DUE DATE 6”) and the date for oral argument (“DUE DATE 7”) in Cases IPR2015-01187 and IPR2015-01227. This will allow additional time for the interim dates to be adjusted to accommodate the

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issues that only recently arose, including an extension of DUE DATE 1 for Patent Owner to file its Responses to the Petitions. We will reset DUE DATE 6 to August 12, 2016, and DUE DATE 7 to August 23, 2016, in Cases IPR2015-01187 and IPR2015-01227, which are the same dates for DUE DATES 6 and 7 in related Cases IPR2015-01273 and IPR2015-01536. The parties shall confer on the remaining interim due dates in the respective Scheduling Orders, where we note that general conformance with the dates set in Cases IPR2015-01273 and IPR2015-01536 should be used as a guide, and shall submit a joint stipulation reflecting the revised remaining interim due dates for these cases.

Upon AT&T's request, and because AT&T has retained two sets of counsel to address different issues in these cases, we will permit Patent Owner's Responses to be filed in two parts, where the total number of pages for the parts shall not exceed the page limits (or word counts under 37 C.F.R. § 42.24 effective as of May 2, 2016) permitted per Response. *See* 37 C.F.R. § 42.24 (b)(2) (setting the page limits for a patent owner response in an *inter partes* review proceeding at 60 pages up until May 2, 2016).

Accordingly, it is:

ORDERED that AT&T's request to file a Motion to Dismiss in each case is *denied*;

FURTHER ORDERED that DUE DATE 6 is reset to August 12, 2016, and DUE DATE 7 is reset to August 23, 2016, in Cases IPR2015-01187 and IPR2015-01227;<sup>3</sup>

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<sup>3</sup> The Scheduling Orders are Paper 10 in Case IPR2015-01187 and Paper 14 in IPR2015-01227, respectively.

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FURTHER ORDERED that the parties shall file a joint stipulation reflecting the revised remaining interim due dates by April 8, 2016; and

FURTHER ORDERED that the respective Patent Owner's Responses may be filed in two parts, with the total number of pages for the parts not exceeding 60 pages (or 14,000 words if filed on or after May 2, 2016) per Response.

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