

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TWITTER, INC.,  
Petitioner,

v.

YOUTOO TECHNOLOGIES, LLC,  
Patent Owner.

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Case IPR2017-00829  
Case IPR2017-00830  
Patent 9,083,997 B2<sup>1</sup>

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Before SALLY C. MEDLEY, CHARLES J. BOUDREAU, and  
JESSICA C. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

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

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<sup>1</sup> This Order will be entered in each case. The parties are not authorized to use this caption style.

A conference call in these cases took place on November 8, 2017. The parties were represented by their respective counsel. The purpose of the call was to discuss Patent Owner's request for leave to file a motion to modify the Scheduling Order. In particular, Patent Owner seeks to obtain a 30-day extension to both DUE DATE 1 and DUE DATE 2 in the Scheduling Order in these cases.

Upon consideration of the parties' arguments, DUE DATE 1 in the Scheduling Order is hereby revised to December 4, 2017, and DUE DATE 2 in the Scheduling Order is hereby revised to March 5, 2018. Petitioner objects to Patent Owner taking any depositions pursuant to 37 C.F.R. § 42.53, and Patent Owner presently takes no position on whether it intends to notice any such depositions. We determine that Patent Owner may take further discovery under 37 C.F.R. § 42.53 prior to DUE DATE 1 only by agreement of the parties or authorization from the Board. We note, however, that we would view such authorization to be in the interests of justice absent a strong showing of prejudice to Petitioner. 37 C.F.R. § 42.5(c)(3).

In addition, Patent Owner took no position on whether it intends to file motions to amend in these proceedings. Patent Owner is reminded that although the filing of a Motion to Amend is authorized under our Rules, Patent Owner must confer with us before filing any Motion to Amend. If Patent Owner elects to file a Motion to Amend, we strongly encourage the parties to arrange for a conference call with us no less than ten business days prior to DUE DATE 1 (i.e., on or before Friday, November 24, 2017).

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For the foregoing reasons, it is

ORDERED that DUE DATE 1 in the Scheduling Order is hereby revised to December 4, 2017, and DUE DATE 2 in the Scheduling Order is hereby revised to March 5, 2018;

FURTHER ORDERED that if Patent Owner wishes to take depositions pursuant to 37 C.F.R. § 42.53, the parties shall meet and confer no later than Wednesday, November 15, 2017;

FURTHER ORDERED that if the parties cannot reach agreement as to any depositions Patent Owner wishes to notice, Patent Owner shall contact the Board no later than 10 AM ET on Thursday, November 16, 2017 and provide the positions of the parties limited to one concise paragraph each; and

FURTHER ORDERED that no motions are authorized to be filed at this time.

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