

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

PROMPTU SYSTEMS CORPORATION,
Patent Owner.

Case IPR2018-00340 and -00341 (Patent 7,260,538 B2)
Case IPR2018-00342 and -00343 (Patent RE44,326 E)
Case IPR2018-00344 and -00345 (Patent 7,047,196 B2)¹

Before JAMESON LEE, ROBERT L. KINDER, and
ALEX S. YAP, *Administrative Patent Judges*

YAP, *Administrative Patent Judge*.

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

¹ This Order addresses issues pertaining to all three cases. Therefore, a single Order is issued to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

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I. INTRODUCTION

On July 27, 2018, an initial conference call was conducted between respective counsel for the parties and Judges Lee, Kinder, and Yap. Comcast Cable Communications, LLC (“Petitioner”) was represented by Messrs. James Day, Daniel Callaway, and Leo Lam. Promptu Systems Corporation (“Patent Owner”) was represented by Messrs. Joshua Goldberg, Jacob Schroeder, and Cory Bell. The general purpose of the call was to determine whether either party has any problem with any date in the scheduling orders and to discuss any proposed motions that are now contemplated by the parties.

II. SCHEDULING

Petitioner indicated that several deadlines for the cases fall near the year end holidays and that Petitioner will confer with Patent Owner to work out a schedule more amenable to the parties. The parties are free to stipulate (without Board involvement) to changes to DUE DATES 1 through 5 in the scheduling orders for the respective cases. The parties may NOT, however, stipulate to any change in DUE DATES 6 and 7.

Patent Owner, in an email to the Board, also proposed “moving the oral hearings [dates for these cases] to February because its lead counsel, Joshua L. Goldberg, is also lead counsel in five other IPRs with oral hearings scheduled for January 29, [2019,] namely IPR2017-02185, -02186, -02187, -02188, and IPR2018-00155.” Exhibit 3001.² Petitioner does not

² Unless otherwise specified, this Order refers to papers and exhibits filed in

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object. In light of Patent Owner lead counsel's conflict on January 29, 2019 and the substantial overlap of issues between these six cases, we hereby revise DUE DATE 7, the oral hearing date, listed in the scheduling orders for IPR2018-00342 (Paper 14) and IPR2018-00343 (Paper 16) from January 29, 2019 to January 28, 2019. The Board will conduct hearings for all six cases on January 28, 2019.

III. MOTIONS

During the conference, Petitioner stated that it is contemplating whether to seek Board authorization to file a motion to submit "supplemental information" under 37 CFR 42.123. Patent Owner indicated that it is currently not contemplating filing any motions at this time.

The parties are reminded that, except as otherwise provided in the Rules, Board authorization is required before filing a motion. 37 C.F.R. § 42.20(b).³ A party desiring to file a motion should request a conference to obtain authorization to file the motion after first conducting a meet and confer with the opposing party. The parties are also given notice of the recently designated informative opinion in *Argentum Pharm. LLC v. Alcon Research Ltd.*, which provides guidance on what is required for a showing of "good cause" to have certain information sealed. Case No. IPR2017-01053, Paper 27, 3–4.

Case IPR2018-00340.

³ Discussion of some motions for which prior authorization is not required may be found in the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,762–63 (Aug. 14, 2012).

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ORDER

It is, therefore,

ORDERED that DUE DATE 7, the oral hearing date, listed in the scheduling orders for IPR2018-00342 (Paper 14) and IPR2018-00343 (Paper 16) is changed from January 29, 2019 to January 28, 2019.

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