

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.,
Petitioners,

v.

INVT SPE LLC,
Patent Owner.

Case IPR2018-01557
Patent 6,760,590 B2

Before THU A. DANG, BARBARA A. BENOIT, and J. JOHN LEE,
Administrative Patent Judges.

BENOIT, *Administrative Patent Judge.*

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

HTC Corporation and HTC America, Inc. (collectively, “Petitioner”) filed a petition (Paper 1) seeking *inter partes* review of claims 1–8 of U.S. Patent No. 6,760,590 B2. Patent Owner, INVT SPE LLC, filed a Preliminary Response (Paper 6) on November 29, 2018.

A conference call was held on December 18, 2018 between counsel for the parties and Judges Dang, Turner, Benoit, and Lee. The conference call concerned Petitioner’s request to file a motion to correct clerical errors and/or file a reply in IPR2018-01557 and to file a motion to correct clerical errors in IPR2018-01556.¹ Patent Owner opposed Petitioner’s request for a motion to correct clerical errors and request to file a reply to Patent Owner’s Preliminary Response.

After hearing from counsel for both parties, the panel authorized Petitioner to file a motion to correct clerical errors limited to three pages and to be filed no later than Friday, December 21, 2018. The panel indicated that Petitioner may wish to address the sufficiency of Petitioner’s response to the Board’s order in the Notice of Filing Date Accorded (Paper 3, issued August 29, 2018). The panel also authorized Patent Owner to file an opposition to Petitioner’s motion no later than Friday, December 28, 2018, and limited to three pages.

In addition, the panel authorized Petitioner to file a reply to Patent Owner’s Preliminary Response limited to addressing Patent Owner’s contention that *the Petition as filed* fails to establish that an asserted reference (Exhibit 1010, “*Gils*”) is prior art to the challenged claims. Paper 6, 24–26. Petitioner’s reply is limited to three pages and to be filed no

¹ This Order addresses only issues relevant to IPR2018-01557.

later than Friday, December 21, 2018. No new evidence is permitted to be filed with Petitioner's reply. The panel also authorized Patent Owner to file a sur-reply no later than Friday, December 28, 2018, and limited to three pages.

Counsel for both parties indicated that they did not anticipate any issues complying with the briefing schedule.

It is so ORDERED.

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