

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC.,
Petitioner,

v.

CARUCEL INVESTMENTS, L.P.,
Patent Owner.

IPR2019-01102
IPR2019-01103¹

Before THOMAS L. GIANNETTI, DANIEL J. GALLIGAN, and
PAUL J. KORNICZKY, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

REVISED SCHEDULING ORDER
37 C.F.R. § 42.5

¹ The parties are not authorized to use this caption.

A. BACKGROUND

On March 16, 2020, the Board ordered the parties to these proceedings and several related proceedings involving Mercedes-Benz and Volkswagen to meet and confer to discuss the final hearing schedule in those cases.

On March 26, 2020, the parties presented a proposal to the Board to reduce the six separate hearing dates to two dates. In addition, Mercedes-Benz and Volkswagen proposed other adjustments in the due dates to synchronize the schedules among the cases. On April 1, 2020, the Board held a telephonic conference with counsel for all the parties to those proceedings to discuss the proposed schedule.

The Board expressed concern about the proposed scheduling changes for two of the proceedings involving the same patent and challenged claims: IPR2019-01440 and IPR2019-01104. The Board also expressed concern about the possibility that motions to amend, if filed, might make the schedule unmanageable for the Board. Patent Owner advised the Board that there would be no motions to amend as the patents have expired. Also, following the conference, Patent Owner disclaimed the patent claims challenged in IPR2019-01440 and IPR2019-01104.

Accordingly, the Board enters a Revised Scheduling Order reflecting the Due Dates proposed by the parties.

B. DUE DATES

This Order sets revised due dates for the parties to take action after institution of the proceeding.

1. DUE DATE 1

This date from the original Scheduling Order has already passed.

2. DUE DATE 2

Petitioner may file a reply to the Patent Owner's response.

3. DUE DATE 3

Patent Owner may file a sur-reply to Petitioner's reply.

4. DUE DATE 4

Either party may file a request for oral argument (may not be extended by stipulation).

5. DUE DATE 5

Either party may file a motion to exclude evidence (37 C.F.R. § 42.64(c)).

6. DUE DATE 6

Either party may file an opposition to a motion to exclude evidence.

Either party may request that the Board hold a pre-hearing conference.

7. DUE DATE 7

Either party may file a reply to an opposition to a motion to exclude evidence.

8. DUE DATE 8

The oral argument (if requested by either party) shall be held on this date. Approximately one month prior to the argument, the Board will issue an order setting the start time of the hearing and the procedures that will govern the parties' arguments.

C. ORDER

In view of the foregoing, it is hereby

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ORDERED THAT the Scheduling Order entered in these cases is hereby revised in accordance with the following REVISED DUE DATE APPENDIX.

REVISED DUE DATE APPENDIX

DUE DATE 2	June 26, 2020
Petitioner's reply to Patent Owner's response to petition	
DUE DATE 3	July 27, 2020
Patent Owner's sur-reply to reply	
DUE DATE 4	July 22, 2020
Request for oral argument (may not be extended by stipulation)	
DUE DATE 5	August 12, 2020
Motion to exclude evidence	
DUE DATE 6	August 19, 2020
Opposition to motion to exclude	
Request for prehearing conference	
DUE DATE 7	August 26, 2020
Reply to opposition to motion to exclude	
DUE DATE 8	September 2, 2020
Oral argument (if requested)	

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