

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

SAMSUNG ELECTRONICS CO. LTD.,  
SAMSUNG ELECTRONICS AMERICA, INC. and APPLE, INC.,  
Petitioner,

v.

NEONODE SMARTPHONE LLC,  
Patent Owner.

---

IPR2021-00145  
Patent 8,812,993 B2

---

Before MICHELLE N. ANKENBRAND, KARAL. SZPONDOWSKI, and  
CHRISTOPHER L. OGDEN, *Administrative Patent Judges*.

OGDEN, *Administrative Patent Judge*.

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

With our authorization, the parties submitted a Joint Stipulation to Modify the Scheduling Order. Paper 27. This Joint Stipulation proposed modifications to DUE DATES 1–3, which would each be extended by 14 calendar days. *Id.* at 1. The parties also proposed a supplemental briefing schedule addressing potential evidence obtained by discovery in Sweden relating to the conception and reduction to practice of the claimed invention, as follows:

Patent Owner may file a Supplemental Brief of no more than 18 pages and supporting materials containing facts, evidence and argument arising out of discovery in Sweden, including but not limited to any testimony or documents or other materials provided by Magnus Goertz and/or Thomas Eriksson, by January 12, 2022;

Petitioners may file a Supplemental Brief of no more than 18 pages and supporting materials in Opposition to Patent Owner's Supplemental Brief, and supporting materials containing facts, evidence and argument arising out of discovery in Sweden, including but not limited to any testimony or documents or other materials provided by Magnus Goertz and/or Thomas Eriksson, by February 23, 2022, with any supplemental evidence served pursuant to 42 C.F.R. § 42.64(b)(2) being served within five business days of service of any objections to evidence submitted with Petitioners' Opposition Brief; and

Patent Owner may file a Reply in Support of its Supplemental Brief of no more than 5 pages of argument, as well as supporting materials consisting of deposition transcripts of the cross-examination of any witness proffered in support of Petitioners' Supplemental Brief, by March 9, 2022.

*Id.* at 1–2.

The parties also proposed modifications for DUE DATES 5–8, which would be March 16, March 23, March 30, and April 7, 2022, respectively.

However, as the parties acknowledged, we have indicated that we would consider these modifications at a later date. *Id.* at 2.

Because there is good cause to modify the schedule as stipulated, the request to modify DUE DATES 1–3, and provide for the requested supplemental briefing schedule, is *granted*.

A Revised Due Date Appendix is attached to this Order.

Accordingly, it is

ORDERED that DUE DATES 1–3, as defined in the original Scheduling Order (Paper 25) are modified as follows: DUE DATE 1 is moved from September 8, 2021 to September 22, 2021; DUE DATE 2 is moved from December 1, 2021 to December 15, 2021; and DUE DATE 3 is moved from January 12, 2022 to January 26, 2022;

FURTHER ORDERED that the Scheduling Order is otherwise unchanged at this time;

FURTHER ORDERED that Patent Owner may file a Supplemental Brief, according to the parties' Joint Stipulation, by January 12, 2022;

FURTHER ORDERED that Petitioner may file an Opposition to Patent Owner's Supplemental Brief, according to the parties' Joint Stipulation, by February 23, 2022; and

FURTHER ORDERED that Patent Owner may file a Reply in support of its Supplemental Brief, according to the parties' Joint Stipulation, by March 9, 2022.

REVISED DUE DATE APPENDIX

DUE DATE 1 .....	September 22, 2021
Patent Owner's response to the petition	
Patent Owner's motion to amend the patent	
DUE DATE 2 .....	December 15, 2021
Petitioner's reply to Patent Owner's response to petition	
Petitioner's opposition to motion to amend	
DUE DATE 3 .....	January 26, 2022
Patent Owner's sur-reply to reply	
Patent Owner's reply to opposition to motion to amend (or Patent Owner's revised motion to amend) <sup>1</sup>	
DUE DATE 4 .....	February 2, 2022
Request for oral argument (may not be extended by stipulation)	
DUE DATE 5 .....	February 23, 2022
Petitioner's sur-reply to reply to opposition to motion to amend	
Motion to exclude evidence	
DUE DATE 6 .....	March 2, 2022
Opposition to motion to exclude	
Request for prehearing conference	
DUE DATE 7 .....	March 9, 2022
Reply to opposition to motion to exclude	
DUE DATE 8 .....	March 17, 2022
Oral argument (if requested)	

---

<sup>1</sup> If Patent Owner files neither a reply to Petitioner's opposition to the MTA nor a revised MTA, the parties are directed to Section B(3) above.

IPR2021-00145  
Patent 8,812,993 B2

For PETITIONER:

Walter Renner  
David Holt  
FISH & RICHARDSON P.C.  
axf-ptab@fr.com  
holt2@fr.com

Tiffany Miller  
James Heintz  
DLA PIPER LLP  
tiffany.miller@dlapiper.com  
jim.heintz@dlapiper.com

For PATENT OWNER:

Robert Asher  
Bruce Sunstein  
Timothy M. Murphy  
SUNSTEIN LLP  
rasher@sunsteinlaw.com  
bsunstein@sunsteinlaw.com  
tmurphy@sunsteinlaw.com

Philip J. Graves  
HAGENS BERMAN SOBOL SHAPIRO LLP  
philipg@hbsslw.com