

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NETFLIX, INC. and HULU, LLC,
Petitioner,

v.

DIVX, LLC,
Patent Owner.

IPR2020-00558
Patent 10,225,588 B2

Before KEVIN F. TURNER, BART A. GERSTENBLITH, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

REVISED SCHEDULING ORDER and
EXPOSITORY ORDER

Per a request by Petitioner (Ex. 3002), Petitioner requests
rescheduling one of the following oral hearings:

- In IPR2020-00558 (regarding U.S. Patent No. 10,225,588 B2), oral
hearing is scheduled for May 12, 2021. *See* IPR2020-00558,
Paper 11.

- In IPR2020-00511 (regarding U.S. Patent No. 9,184,920 B2), oral hearing also is scheduled for May 12, 2021. *See* IPR2020-00511, Paper 16.

Petitioner argues that it will have difficulty arguing “two unrelated oral hearings on the same day.” Ex. 3002. Petitioner further asserts that Patent Owner’s counsel was contacted, but declined to join the request to reschedule. *Id.* We grant Petitioner’s request, rescheduling Due Date 8 to **May 25, 2021** in this proceeding. The oral hearing date in IPR2020-00511 remains unaltered. A revised Due Date Appendix is attached, incorporating changes made by the parties through joint stipulation (Paper 18 (Notice of Third Joint Stipulation to Modify Schedule)). The “General Instructions” of the original Scheduling Order (Paper 11) remain in effect.

Also, to make the record clear, our prior Order (Paper 22) addressed the errant filing of a document, asserted by Petitioner to be Paper 20, where we expunged that document. Subsequently, Petitioner asserted that there was a “typo” in its prior email and that “Paper 21” should have been expunged instead. *See* Ex. 3001. Paper 21 was subsequently expunged and Paper 20 was included again in the record. We note, however, that, in Paper 20, Petitioner purports to object to Exhibit 2021 (*see* Paper 20, 2), but no such exhibit has been introduced in this proceeding. *See* Paper 17, v–vi (identifying Ex. 2020 (filed December 7, 2020) as Patent Owner’s most recent exhibit). We will treat Petitioner’s objection (Paper 21) as harmless error unless rectified.

A. DUE DATE APPENDIX

DUE DATE 2 March 3, 2021
Petitioner's reply to patent owner's response to petition

DUE DATE 3 April 7, 2021
Patent owner's sur-reply to reply

DUE DATE 4 March 31, 2021
Request for oral argument (may not be extended by stipulation)

DUE DATE 5 April 21, 2021
Motion to exclude evidence

DUE DATE 6 April 28, 2021
Opposition to motion to exclude

DUE DATE 7 May 5, 2021
Reply to opposition to motion to exclude
Request for prehearing conference

DUE DATE 8 May 25, 2021
Oral argument (if requested)

IPR2020-00558
Patent 10,225,588 B2

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