

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CURRENT LIGHTING SOLUTIONS, LLC D/B/A GE CURRENT
Petitioner,

v.

JIAXING SUPER LIGHTING ELECTRIC APPLIANCE CO., LTD.
Patent Owner.

IPR2023-00269 (Patent 10,560,989 B2)
IPR2023-00270 (Patent 9,723,662 B2)
IPR2023-00271 (Patent 10,295,125 B2)
IPR2023-00272 (Patent 10,830,397 B2)¹

Before BRIAN J. McNAMARA, NEIL T. POWELL, and
JULIET MITCHELL DIRBA, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

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

¹ This Order applies to each of the listed proceedings. We exercise our discretion to issue one Order to be entered in each proceeding. Except as expressly authorized by the Board, however, the parties shall not use this caption for any subsequent papers.

IPR2023-00269 (Patent 10,560,989 B2)
IPR2023-00270 (Patent 9,723,662 B2)
IPR2023-00271 (Patent 10,295,125 B2)
IPR2023-00272 (Patent 10,830,397 B2)

INTRODUCTION

In each of these proceedings, Petitioner emailed the Board requesting authorization to file a preliminary reply responding to certain discretionary denial arguments in Patent Owner’s Preliminary Response. *E.g.*, Ex. 3001, 2–3.² Petitioner noted that Patent Owner does not object to Petitioner’s request for briefing, provided that Patent Owner receive authorization to file a sur-reply in each proceeding. *Id.* at 3. Contending that Patent Owner’s discretionary denial arguments were unforeseeable, Petitioner asserted that there is good cause for the requested briefing. *Id.* at 2–3.

Finding good cause for Petitioner’s request under the circumstances presented, we authorized the requested briefing via email. *Id.* at 1–2. Given the upcoming statutory deadline for deciding whether to institute *inter partes* reviews, and the length of time that had already elapsed from the filing of Patent Owner’s Preliminary Responses, we set the due date for Petitioner’s preliminary replies as Wednesday, June 21, 2023, rather than Petitioner’s proposed due date of Monday, June 26, 2023. *Id.* at 2. Additionally, to help us decide the due date for Patent Owner’s sur-replies, we requested additional information regarding the “pre-planned travel by [Patent Owner’s] counsel” mentioned in Petitioner’s email. *Id.* In response, explaining that he has a “family vacation scheduled for the entire week of [Monday], June 26,” Patent Owner’s counsel requested “a deadline in the second half of the week of July 3 if possible” for Patent Owner’s sur-replies.

² Petitioner sent the Board substantially similar emails in each of these proceedings. For concision, we cite only to the email for IPR2023-00269.

IPR2023-00269 (Patent 10,560,989 B2)
IPR2023-00270 (Patent 9,723,662 B2)
IPR2023-00271 (Patent 10,295,125 B2)
IPR2023-00272 (Patent 10,830,397 B2)

Id. at 1. Consistent with this request, Patent Owner's sur-replies are due Wednesday, July 5, 2023.

In sum, it is:

ORDERED that, in each of these proceedings, Petitioner may file, by June 21, 2023, a 5-page preliminary reply, which may only respond to the discretionary denial arguments in the corresponding Preliminary Response, as identified in Petitioner's corresponding email;

FURTHER ORDERED that, in each of these proceedings, Patent Owner may file, by July 5, 2023, a 5-page sur-reply, which may only respond to the arguments in the corresponding preliminary reply.

IPR2023-00269 (Patent 10,560,989 B2)
IPR2023-00270 (Patent 9,723,662 B2)
IPR2023-00271 (Patent 10,295,125 B2)
IPR2023-00272 (Patent 10,830,397 B2)

PETITIONER:

Eagle H. Robinson
Valerie K. Barker
Catherine J. Garza
James Warriner
Jeremy Albright
Allan Braxdale
Michael Mudrow
Daniel Ford
NORTON ROSE FULBRIGHT US LLP
eagle.robinson@nortonrosefulbright.com
valerie.barker@nortonrosefulbright.com
cat.garza@nortonrosefulbright.com
jim.warriner@nortonrosefulbright.com
jeremy.albright@nortonrosefulbright.com
allan.braxdale@nortonrosefulbright.com
mike.mudrow@nortonrosefulbright.com
dan.ford@nortonrosefulbright.com

PATENT OWNER:

Patrick J. McKeever
Miguel Bombach
Evan Day
Han-Wei Chen
PERKINS COIE LLP
mckeever-ptab@perkinscoie.com
bombach-ptab@perkinscoie.com
day-ptab@perkinscoie.com
chen-ptab@perkinscoie.com