

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SONY GROUP CORPORATION, SONY CORPORATION, SONY
CORPORATION OF AMERICA, AND SONY ELECTRONICS, INC.,
Petitioner,

v.

INMUSIC BRANDS, INC.,
Patent Owner.

IPR2023-00294
Patent 7,567,498 B2

Before DANIEL J. GALLIGAN, CHRISTAP. ZADO, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

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

I. DISCUSSION

A Petition in this matter was filed on December 1, 2022 (Paper 2), followed by a Preliminary Patent Owner Response on April 27, 2023 (Paper 6, “POPR”). In between the filing of the Petition and POPR, on March 13, 2023, the district court in *inMusic Brands, Inc. v. Sony Corporation of America*, Case No. 1-22-cv-06602 (S.D.N.Y.) held the claims challenged in this matter invalid under 35 U.S.C. § 101. *See* Exhibit 2001.

In light of the district court order, which arose after the filing of the Petition, Counsel for Sony Group Corporation, Sony Corporation, Sony Corporation of America, and Sony Electronics, Inc. (collectively, “Petitioner”) now seeks authorization to file a reply to the POPR that is limited to addressing factors 1 to 5 of *Fintiv*.¹ Petitioner, in a May 16, 2023 email to the Board cc’ing counsel for inMusic Brands, Inc. (“Patent Owner”), avers that Patent Owner does not oppose Petitioner’s request to file a reply, provided Patent Owner is provided a five-page sur-reply limited to the same issues. Petitioner indicates further that the parties suggest each side receive one week to file their respective paper.

In light of events that have occurred after the filing of the Petition, and the parties’ agreement to the filing of a reply and sur-reply, we authorize the filing of each as set forth below.

II. ORDER

Accordingly, it is

¹ *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential).

ORDERED that Petitioner is authorized to file, within seven days of entry of this Order, a reply not exceeding 5 pages, that is limited to addressing *Fintiv* factors 1 to 5; and

FURTHER ORDERED that Patent Owner is authorized to file, within seven days of the filing of Petitioner's reply, a sur-reply not exceeding five pages, that is limited to addressing the same issues.

For PETITIONER:

Matthew Smith
Andrew Baluch
SMITH BALUCH LLP
smith@smithbaluch.com
baluch@smithbaluch.com

For PATENT OWNER:

Alan H. Norman,
Anthony F. Blum
David B. Jinkins
anorman@thompsoncoburn.com
ablum@thompsoncoburn.com
djinkins@thompsoncoburn.com