

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS,
Petitioner,

v.

GENERAL ACCESS SOLUTIONS, LTD.,
Patent Owner.

IPR2023-00978
Patent 7,230,931 B2

Before KEN B. BARRETT, *Administrative Patent Judge*.

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

On August 18, 2023, Patent Owner sent an email to the Board requesting authorization for leave to file a motion for discovery.

Specifically, Patent Owner states:

Patent Owner respectfully requests leave to file a motion for additional discovery concerning: (1) whether Ericsson and Samsung are unidentified real parties in interest in this IPR; (2) whether Ericsson and Samsung were unidentified real parties in interest in IPR2017-01889, which challenged the same claims at issue in this Petition; and (3) whether the Petitioners here and in IPR2017-01889 are substantially related for purposes of discretionary denial of this Petition.

Patent Owner specifically intends to seek the following discovery:

1. Ericsson and Samsung's indemnification of the Petitioners in this IPR and in IPR2017-01889.
2. Ericsson and Samsung's roles in this IPR and in IPR2017-01889, including the extent to which they shared financial and/or operational responsibility for these proceedings and the related district court litigations.
3. Any collaboration between the Petitioners here and in IPR2017-01889 regarding their respective Petitions, either directly or through any mutual indemnitors or representatives.

Under our Rules, "a party may move for additional discovery" where the parties fail to agree to it between themselves. 37 C.F.R. § 42.51(b)(2)(i). Patent Owner indicates in the email that the parties have conferred and that Petitioner opposes the request for discovery. At the Board's request, the parties proposed, on August 23, 2023, agreed-upon page limits and a briefing schedule for the requested motion.

A call between the Board and the parties is deemed unnecessary. Patent Owner is authorized to file its proposed motion, limited to the subjects outlined in the email quoted above. The motion and Petitioner's

opposition shall comply with the parties' jointly proposed page limits and briefing schedule, as ordered below.

The parties' briefs should address whether the additional discovery is in the interests of justice, *see* 37 C.F.R. § 42.51(b)(2)(i), and the factors listed in *Garmin Int'l, Inc. v. Cuozzo Speed Techs. LLC*, Case IPR2012-00001, slip op. at 6–7 (PTAB Mar. 5, 2013) (Paper 26) (precedential).

It is ordered that:

ORDERED that Patent Owner may file a motion for additional discovery, not to exceed ten (10) pages, by August 29, 2023;

FURTHER ORDERED that Petitioner may file an opposition, not to exceed ten (10) pages, to Patent Owner's motion by September 7, 2023; and

FURTHER ORDERED that a reply to Petitioner's opposition is not authorized.

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