Trials@uspto.gov
571-272-7822

Paper 7
Date: November 14, 2023

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC.,
Petitioner,

v.

PANTECH WIRELESS, LLC,
Patent Owner.

IPR2023-01267 (Patent 9,313,809 B2)
IPR2023-01268 (Patent 9,575,631 B2)
IPR2023-01269 (Patent 9,854,545 B2)
IPR2023-01270 (Patent 10,869,247 B2)
IPR2023-01272 (Patent 9,065,486 B2)
IPR2023-01273 (Patent 9,136,924 B2)[1]

Before THU ANN DANG, DANIEL J. GALLIGAN,
CHRISTOPHER L. OGDEN, and SCOTT B. HOWARD,
Administrative Patent Judges.[2]

OGDEN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. §§ 42.5, 42.10(d)

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[1] This order addresses an issue common to the above cases. The parties may use this style caption for the briefing authorized in this Order.

[2] This is not an expanded panel. Each of the listed judges is part of a three-judge panel assigned to the listed proceedings.

In response to an email from Petitioner, we held a conference call on November 1, 2023 to discuss whether to authorize Petitioner under 37 C.F.R. § 42.20(b) to file a motion to disqualify Patent Owner's counsel Mayer Brown LLP under 37 C.F.R. § 42.10(d). The transcript for the call is entered in the record for each case. *See, e.g.*, IPR2023-01267, Ex. 1102.

Petitioner contends that Mayer Brown LLP should be disqualified because of alleged non-waived conflicts of interest, a matter that was addressed in related district court proceedings and is the subject of a pending petition for a writ of mandamus to the United States Court of Appeals for the Federal Circuit.

Patent Owner argues that the district court decided the matter in favor of Patent Owner, and that Petitioner's arguments for disqualification are not relevant to the patentability issues addressed in these IPR proceedings.

We authorize Petitioner to file the requested motion, and we authorize briefing according to the schedule below. Because resolution of this matter may affect Patent Owner's ability to prepare a Preliminary Response, we also authorize an extension of time for a Preliminary Response. If Petitioner files a timely motion as authorized in this Order, the new deadline for Patent Owner's Preliminary Response will be one month from the date of the Board's decision on Petitioner's motion.

Accordingly, it is

ORDERED that Petitioner is authorized, within 5 business days of this Order, to submit a motion to disqualify Patent Owner's counsel;

FURTHER ORDERED that Petitioner's motion is limited to 20 pages and must be in the form of a single motion addressing the issues as they relate to all of the above-captioned cases, but the single motion should be filed separately in each case;

FURTHER ORDERED that Patent Owner is authorized to submit a single opposition within 10 business days of Petitioner's motion, limited to 20 pages, which should be filed separately in each case;

FURTHER ORDERED that Petitioner is authorized to submit a single reply to Patent Owner's opposition within 5 business days of the opposition, limited to 7 pages, which should be filed separately in each case;

FURTHER ORDERED that within 2 business days of the Federal Circuit issuing any decision addressing the merits of Petitioner's petition for a writ of mandamus, Petitioner must submit a copy of that decision as an exhibit in each of the above-captioned cases; and

FURTHER ORDERED that, if Petitioner files a timely motion as authorized under this Order, the deadline for Patent Owner to file a Preliminary Response will be extended to one month from the date of the Board's decision on that motion.

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For PETITIONER:

James Davis
Daniel Richards
Abed Balbaky
ROPES & GRAY LLP
james.l.davis@ropesgray.com
daniel.richards@ropesgray.com
abed.balbaky@ropesgray.com

For PATENT OWNER:

Amanda Bonner
James Fussell
Clark Bakewell
Seth Bruneel
Baldine Paul
MAYER BROWN LLP
astreff@mayerbrown.com
jfussell@mayerbrown.com
cbakewell@mayerbrown.com
sbruneel@mayerbrown.com
bpaul@mayerbrown.com