

From: [Trials](#)
To: [Morlock, Michael](#); [Trials](#)
Cc: [Ferrario, Matias](#); nmassand@nilawfirm.com; [Hao Ni](#); [Tim Wang](#); [Adkins, Robin](#)
Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)
Date: Monday, August 12, 2024 10:34:28 AM
Attachments: [image001.png](#)

Good morning counsel,

The judge panel will extend Due Date 2 (Petitioner's opposition to a motion to amend) to September 13, 2024. A revised scheduling order will issue in due course.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Morlock, Michael <MMorlock@ktslaw.com>
Sent: Friday, August 9, 2024 10:13 AM
To: Trials <Trials@USPTO.GOV>
Cc: Ferrario, Matias <MFerrario@ktslaw.com>; nmassand@nilawfirm.com; Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>; Adkins, Robin <RAdkins@ktslaw.com>
Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

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Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

Dear Honorable Board,

Petitioner respectfully sends this follow up regarding the unopposed request for an extension of briefing deadlines related to Patent Owner's Motion to Amend. These extensions are outlined below and are needed to accommodate a remote deposition of Patent Owner's expert Mr. Bohannon on the first date he is available for deposition, September 6, 2024, which is after the deadline for Petitioner's Opposition to Patent Owner's Motion to amend, which is August 13.

Regards,

Michael Morlock (Backup Counsel for Petitioner)

Michael Morlock
MMorlock@ktslaw.com
Kilpatrick Townsend & Stockton LLP
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IPR2023-01311
Ex. 3001

From: Morlock, Michael

Sent: Tuesday, August 6, 2024 6:18 PM

To: Trials <Trials@USPTO.GOV>

Cc: Ferrario, Matias <MFerrario@ktslaw.com>; nmassand@nilawfirm.com; Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>

Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

Dear Honorable Board,

Per the Board's Order during the telephonic hearing on Monday, August 4, the Parties met and conferred today at 12:30 PM (Eastern) and reached agreement on the revised schedule below. This schedule contemplates extending all portions of Due Date 2 by approximately one month to accommodate a remote deposition of Patent Owner's expert Mr. Bohannon on the first date he is available for deposition, September 6, 2024. Other dates are also modified to accommodate this adjustment. The deadlines below include set dates for briefing of a potential Revised Motion to Amend, the briefing of which would conclude on December 17, 2024, if a revised motion to amend is filed. To accommodate a potential revised motion to amend the parties request that the Board reschedule the Oral Hearing, which is currently scheduled for December 6, 2024, to be a date on which the Board is available after December 17, 2024.

If a conference call is necessary, the parties will provide their joint availability. The full proposed schedule is shown in the table below:

Due Date	Description	Current Schedule	Proposed Modified Deadline
Due Date 1	Motion to Amend and Patent Owner Response	May 24, 2024 (Paper 11)	
	Deposition of Patent Owner's Expert Mr. Bohannon	September 6, 2024 (Paper 16)	
Due Date 2	Petitioner's Opposition to Motion to Amend	August 13, 2024	September 13, 2024
Due Date 2	Petitioner's Reply to Patent Owner Response	September 13, 2024 (Paper 15)	
	Preliminary Guidance (Approximately 4-weeks from Opposition to Motion to Amend)	September 13, 2024 (Approximate)	October 11, 2024 (Approximate)
Due Date 3	Patent Owner's Sur-Reply; and a. Patent Owner Reply to Opposition to Motion to Amend; or b. Patent Owner's Revised Motion to Amend	September 24, 2024	October 18, 2024
Due Date 4	Request for Oral Argument	October 15, 2024	
Due Date 5	Motions to Exclude	November 5, 2024	November 18, 2024

	Evidence; and a. Petitioner's Sur-Reply to Patent Owner's Reply to Motion to Amend; or b. Petitioner's Opposition to Revised Motion to Amend		
Due Date 6	Opposition to Motion to Exclude, and Request for Pre-Hearing Conference	November 12, 2024	November 25, 2024
	Patent Owner Reply to Opposition to Revised Motion to Amend, if filed.	N/A	December 2, 2024
Due Date 7	Reply to Opposition to Motion to Exclude	November 19, 2024	December 2, 2024
	Petitioner's Sur-Reply to Reply to Opposition to Revised Motion to Amend, if filed.	N/A	December 17, 2024
Due Date 8	Oral Hearing	December 6, 2024	TBD Based on Board Availability after December 17, 2024

Additionally, Patent Owner feels it is important to inform the Board that it has not relied on the declaration of its Expert, Mr. Bohannon, in its Motion to Amend, and Mr. Bohannon has not provided any opinions directed to the Motion to Amend. Petitioner responds that citation to Mr. Bohannon in the initial motion to amend is irrelevant to whether a deposition is required under Section 42.53(b)(2), and cross-examination testimony is highly relevant to the Motion to Amend because the proposed substitute claims are very similar to original claims about which Mr. Bohannon does opine. *Compare* Substitute Claim 21 ("wherein the second distance comprises a distance in greater than the third distance and less than 1.5 times the third distance.") *With* Original Claim 9 ("wherein the second distance comprises a distance in a range between the third distance and 1.5 times the third distance."); see Ex. 2003, Section E ("Kobayashi Does Not Disclose that the Second Distance is 1-1.5x the Third Distance of Claim 9").

Regards,

Michael Morlock (Backup Counsel for Petitioner)

Michael Morlock

MMorlock@ktslaw.com

Kilpatrick Townsend & Stockton LLP

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From: Trials <Trials@USPTO.GOV>

Sent: Friday, August 2, 2024 12:06 PM

To: Morlock, Michael <MMorlock@ktslaw.com>; Trials <Trials@USPTO.GOV>

Cc: Ferrario, Matias <MFerrario@ktslaw.com>; nmassand@nilawfirm.com; Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>

Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

Good morning counsel,

A conference call is scheduled with the Board on **(Monday 8/5) at 3 pm ET.**

The dial-in number is: 888-452-0457 and the passcode is: 5796779#.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Morlock, Michael <MMorlock@ktslaw.com>

Sent: Friday, August 2, 2024 11:13 AM

To: Trials <Trials@USPTO.GOV>

Cc: Ferrario, Matias <MFerrario@ktslaw.com>; nmassand@nilawfirm.com; Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>

Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

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Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

Dear Honorable Board,

Thank you, the parties are both available on Monday, August 5 from 12:30-5:00 PM (Eastern).

Regards,

Michael Morlock (Backup Counsel for Petitioner)

Michael Morlock

MMorlock@ktslaw.com

Kilpatrick Townsend & Stockton LLP

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From: Trials <Trials@USPTO.GOV>

Sent: Friday, August 2, 2024 8:47 AM

To: Morlock, Michael <MMorlock@ktslaw.com>; Trials <Trials@USPTO.GOV>

Cc: Ferrario, Matias <MFerrario@ktslaw.com>; nmassand@nilawfirm.com; Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>

Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

****CAUTION: External Email****

Counsel,

Please provide your joint availability for a call with the judge panel. Thank you.

Regards,

Esther Goldschlager
Supervisory Paralegal Specialist
Patent Trial & Appeal Board
U.S. Patent & Trademark Office

From: Morlock, Michael <MMorlock@ktslaw.com>

Sent: Wednesday, July 31, 2024 3:35 PM

To: Trials <Trials@USPTO.GOV>

Cc: Ferrario, Matias <MFerrario@ktslaw.com>; nmassand@nilawfirm.com; Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>

Subject: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

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Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01311 (U.S. 8,177,382)

Dear Honorable Board,

Petitioner Hisense respectfully requests permission from the Board to extend the portion of Due Date 2 relating to Hisense's opposition to Patent Owner's Motion to Amend from August 13, 2024 to September 13, 2024 for the above referenced proceeding. There is good cause for this extension because Patent Owner's expert witness Mr. Bohannon is unavailable for cross-examination on his declaration (Exs. 2001 and 2003) until September 6, 2024, which is nearly a month after the current deadline. The parties have already stipulated to modify the portion of Due Date 2 related to Petitioner's Reply (Paper 15) and noticed the deposition of Mr. Bohannon on September 6 (Paper 16).

Patent Owner does not oppose this request. If a conference call is necessary, the parties will provide their joint availability.

Regards,

Michael Morlock (Backup Counsel for Petitioner)



Michael Morlock

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