

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HISENSE USA CORPORATION,
Petitioner,

v.

BRIGHTPLUS VENTURES LLC,
Patent Owner.

IPR2023-01311
Patent 8,177,382 B2

Before MICHELLE N. WORMMEESTER, KEVIN C. TROCK, and
JOHN D. HAMANN, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

REVISED SCHEDULING ORDER

On August 5, 2024, we held a conference call with respective counsel for the parties. The call was in response to Petitioner's request for an extension of the portion of Due Date 2 relating to Petitioner's opposition to a motion to amend. *See* Ex. 3001 (e-mail correspondence).

During the conference call, the parties confirmed the panel's understanding of the relevant posture and schedule for the case. Patent Owner filed a Contingent Motion to Amend (Paper 13) on May 24, 2024. In accordance with the Scheduling Order (Paper 8), any opposition from Petitioner is due by August 13, 2024, and any reply from Patent Owner is due by September 24, 2024. Oral hearing, if requested, is scheduled to be held on December 6, 2024. Paper 8.

Petitioner indicated that it seeks to extend the portion of Due Date 2 relating to its opposition to Patent Owner's Contingent Motion to Amend from August 13, 2024 to September 13, 2024, because Patent Owner's declarant Mr. William Bohannon will not be available for cross-examination until September 6, 2024, *after* Petitioner's opposition is due. Patent Owner did not oppose Petitioner's request for extension, and confirmed Petitioner's understanding of Mr. Bohannon's availability.

In view of the current schedule, the panel requested the parties to jointly propose a revised schedule that would permit Petitioner an opportunity to cross examine Mr. Bohannon prior to filing its opposition. On August 6, 2024, the parties jointly submitted a proposed revised schedule. *See* Ex. 3001. The parties indicate that their proposed 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,” and that “[o]ther dates are also modified to accommodate this adjustment.” *Id.* The parties further indicate that their proposed schedule contemplates setting due dates for briefing related to a revised motion to amend (if filed), and ask that we reschedule oral hearing to be held after December 17, 2024, to accommodate the potential filing of a revised motion to amend. *Id.*

In accordance with the parties’ jointly proposed revised schedule, we revise our original Scheduling Order (Paper 8) to set subsequent due dates. Because a revised motion to amend has not yet been filed, we do not set due dates for briefing related to a revised motion to amend. Should Patent Owner file a revised motion to amend, we will again revise the scheduling order accordingly, taking into consideration the parties’ proposed revised schedule (*see* Ex. 3001). To the extent that our original Scheduling Order (Paper 8) provides instructions that are not addressed in this Revised Scheduling Order, the original instructions remain in effect.

REVISED DUE DATE APPENDIX

DUE DATE 2 September 13, 2024

Petitioner's reply to Patent Owner's response to petition

Petitioner's opposition to motion to amend

DUE DATE 3 October 18, 2024

Patent Owner's sur-reply to reply

Patent Owner's reply to opposition to motion to amend
(or Patent Owner's revised motion to amend)

DUE DATE 4 October 15, 2024

Request for oral argument (may not be extended by stipulation)

DUE DATE 5 November 18, 2024

Petitioner's sur-reply to reply to opposition to motion to amend

Motion to exclude evidence

DUE DATE 6 November 25, 2024

Opposition to motion to exclude

Request for prehearing conference

DUE DATE 7 December 2, 2024

Reply to opposition to motion to exclude

DUE DATE 8 January 8, 2025

Oral argument (if requested)

IPR2023-01311
Patent 8,177,382 B2

FOR PETITIONER:

Matias Ferrario
Michael T. Morlock
KILPATRICK TOWNSEND
MFerrario@kilpatricktownsend.com
MMorlock@kilpatricktownsend.com

FOR PATENT OWNER:

Hao Ni
Neal Massand
Timothy Wang
Ni, Wang & Massand, PLLC
hni@nilawfirm.com
nmassand@nilawfirm.com
twang@nilawfirm.com