

From: [Trials](#)
To: [Morlock, Michael](#); [Ferrario, Matias](#); [Trials](#)
Cc: [Hao Ni](#); [Tim Wang](#); nmassand@nilawfirm.com; [Adkins, Robin](#)
Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)
Date: Wednesday, August 28, 2024 2:47:56 PM
Attachments: [image001.png](#)

Counsel:

The Panel has received the parties' most recent request to modify certain dates (as shown below in the table provided by the parties on August 26, 2024) in the Scheduling Order (Paper 10). The Panel finds that the proffered reasoning for this request provides good cause for the requested modifications. Accordingly, the Panel hereby adopts the parties proposed due dates as shown in the table below, and the Scheduling Order is hereby modified consistent with the below tabular dates. Any remaining portions of the Scheduling Order remain unchanged and in effect.

Regards,

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

From: Morlock, Michael <MMorlock@ktslaw.com>
Sent: Wednesday, August 28, 2024 10:59 AM
To: Ferrario, Matias <MFerrario@ktslaw.com>; Trials <Trials@USPTO.GOV>
Cc: Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>; nmassand@nilawfirm.com; Adkins, Robin <RAdkins@ktslaw.com>
Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

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Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

Dear Honorable Board,

Petitioner Hisense respectfully follows up on the request below to extend Due Date 2, both as to Petitioner's Reply and Petitioner's Opposition to Patent Owner's Motion to Amend, from the current deadline of August 29 to September 17. On Monday, August 26, in response to the Board's request, the parties provided a table of all deadlines, including in the event Patent Owner files a revised motion to amend. The current deadline for Due Date 2 is tomorrow, August 29.

Regards,

Michael Morlock (Backup Counsel for Petitioner)

Michael Morlock

MMorlock@ktslaw.com
Kilpatrick Townsend & Stockton LLP
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From: Ferrario, Matias <MFerrario@ktslaw.com>
Sent: Monday, August 26, 2024 8:17 AM
To: Trials <Trials@USPTO.GOV>; Morlock, Michael <MMorlock@ktslaw.com>
Cc: Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>; nmassand@nilawfirm.com;
Adkins, Robin <RAdkins@ktslaw.com>
Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

Dear Honorable Board,

The Parties met and conferred on Friday, August 23rd, and reached agreement on the revised schedule below. As explained previously, there is good cause for this extension because Patent Owner's expert witness Mr. Bohannon is unavailable for cross-examination on his declaration until September 10, which is nearly two weeks after the current deadline. Petitioner intends to proceed with Mr. Bohannon's deposition on September 10.

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	Schedule if No Revised Motion to Amend is Filed	Schedule if Revised Motion to Amend is Filed
Due Date 1	Patent Owner Response	June 6, 2024 (Paper 11)		
	Patent Owner's Motion to Amend	June 6, 2024 (Paper 12)		
Due Date 2	Petitioner's Reply to Patent Owner Response; and Petitioner's Opposition to Motion to Amend	August 29, 2024	September 17, 2024	September 17, 2024
	Preliminary Guidance (Approximately 4-weeks from Opposition to Motion to Amend)	September 26, 2024 (Approximate)	October 15, 2024 (Approximate)	October 15, 2024 (Approximate)
Due Date 3	Patent Owner's Sur-Reply	October 10, 2024	October 29, 2024	November 1, 2024
	Patent Owner Reply to Opposition to Motion to Amend	October 10, 2024	October 29, 2024	N/A
	Patent Owner's	N/A	N/A	November 1,

	Revised Motion to Amend, if filed			2024
Due Date 4	Request for Oral Argument	October 31, 2024		
Due Date 5	Motions to Exclude Evidence	November 21, 2024	November 21, 2024	January 8, 2024
	Petitioner's Sur-Reply to Patent Owner's Reply to Motion to Amend	November 21, 2024	November 21, 2024	N/A
	Petitioner's Opposition to Revised Motion to Amend, if filed	N/A	N/A	December 5, 2024
Due Date 6	Opposition to Motion to Exclude, and Request for Pre-Hearing Conference	November 29, 2024	November 29, 2024	January 16, 2024
	Patent Owner Reply to Opposition to Revised Motion to Amend, if filed.	N/A	N/A	December 27, 2025
Due Date 7	Reply to Opposition to Motion to Exclude	December 6, 2024	December 6, 2024	January 23, 2024
N/A	Petitioner's Sur-Reply to Reply to Opposition to Revised Motion to Amend, if filed	N/A	N/A	January 9, 2025
Due Date 8	Oral Hearing	January 6, 2025	January 6, 2025	TBD Based on Board Availability after January 23, 2025
Statutory Deadline	Final Written Decision	March 14, 2025	March 14, 2025	March 14, 2025

Best,

Matias Ferrario (Lead Counsel for Petitioner)

Matias Ferrario

MFerrario@ktslaw.com

Kilpatrick Townsend & Stockton LLP

1001 West Fourth Street | Winston-Salem, NC 27101-2400

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From: Trials <Trials@USPTO.GOV>

Sent: Friday, August 23, 2024 10:11 AM

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

Cc: Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>; nmassand@nilawfirm.com; Ferrario, Matias <MFerrario@ktslaw.com>; Adkins, Robin <RAdkins@ktslaw.com>
Subject: RE: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

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Counsel, the Board requests that the parties jointly provide a spreadsheet or table showing columns of: (i) all current dates (including the 4 week preliminary guidance date and the statutory date for the final written decision), (ii) all due dates (including any proposed due dates) if no revised motion to amend is filed, and (iii) all due dates (including any proposed due dates) if a revised motion to amend is filed.

Regards,

Andrew Kellogg,
Deputy Chief Clerk, Trials
Patent Trial and Appeal Board
USPTO
andrew.kellogg@uspto.gov
(571)272-7822

From: Morlock, Michael <MMorlock@ktslaw.com>
Sent: Monday, August 19, 2024 5:14 PM
To: Trials <Trials@USPTO.GOV>
Cc: Hao Ni <hni@nilawfirm.com>; Tim Wang <twang@nilawfirm.com>; nmassand@nilawfirm.com; Ferrario, Matias <MFerrario@ktslaw.com>; Adkins, Robin <RAdkins@ktslaw.com>
Subject: Re: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

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Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

Dear Honorable Board,

Petitioner Hisense respectfully follows up on the request below to extend Due Date 2, both as to Petitioner's Reply and Petitioner's Opposition to Patent Owner's Motion to Amend, from the current deadline of August 29 to September 17. There is good cause for this extension because Patent Owner's expert witness Mr. Bohannon is unavailable for cross-examination on his declaration until September 10, which is nearly two weeks after the current deadline. Petitioner intends to proceed with Mr. Bohannon's deposition on September 10, and the additional time from September 10 to 17 is required to obtain a final transcript from the Court Reporter and include citations in Petitioner's Briefing. Patent Owner does not oppose this request, and the parties do not believe that any further modification of the schedule will be required.

Regards,

Michael Morlock (Backup Counsel for Petitioner)

Michael Morlock

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From: Morlock, Michael

Sent: Monday, August 12, 2024 5:00 PM

To: Trials@uspto.gov <Trials@USPTO.GOV>

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

Subject: Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

Hisense USA Corp. v. Brightplus Ventures LLC, No. IPR2023-01385 (7,690,812)

Dear Honorable Board,

Petitioner Hisense respectfully requests permission from the Board to extend Due Date 2, both as to Petitioner's Reply and Petitioner's Opposition to Patent Owner's Motion to Amend, from the current deadline of August 29 to September 17. There is good cause for this extension because Patent Owner's expert witness Mr. Bohannon is unavailable for cross-examination on his declaration until September 10, which is nearly two weeks after the current deadline. Petitioner intends to proceed with Mr. Bohannon's deposition on September 10, and the additional time from September 10 to 17 is required to obtain a final transcript from the Court Reporter and include citations in Petitioner's Briefing.

Patent Owner does not oppose this request, and the parties do not believe that any further modification of the schedule will be required. If a conference call is necessary, the parties will provide their joint availability.

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 objects to Patent Owner's inclusion of argument in this email when Patent Owner has made clear it does not oppose the request, but for a clear record 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 27 *With* Original Claim 18.

Regards,

Michael Morlock (Backup Counsel for Petitioner)



Michael Morlock

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