

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD,
SAMSUNG ELECTRONICS AMERICA, INC., GARMIN LTD.,
ZEPP HEALTH CORPORATION
Petitioner,

v.

SLYDE ANALYTICS, LLC,
Patent Owner.

IPR2024-00006
Patent 8,588,033 B2

Before JAMESON LEE, ST. JOHN COURTENAY III, and
JOHN F. HORVATH, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

I. INTRODUCTION

A conference call was held on October 16, 2024, between respective counsel for the parties and Judges Lee, Courtenay, and Horvath, in response to Garmin Ltd.’s request to discuss the remaining schedule in this joined proceeding due to the expected settlement and termination of Lead Petitioner Samsung Electronics Co., Ltd. and Samsung Electronics America (hereinafter “Samsung”) from the proceeding.

The initial petition was filed on October 16, 2023, by Samsung. Paper 3. On August 23, 2024, we joined Garmin, Ltd. (hereinafter “Garmin”) to this proceeding in an “understudy” role. Paper 20. On September 12, 2024, we joined Zepp Health Corporation (hereinafter “Zepp”) to this proceeding in a secondary “understudy” role. Paper 22.

Patent Owner filed a Response on June 28, 2024. Paper 19. On September 6, 2024, Samsung and Patent Owner extended the due date for a reply to October 11, 2024 by mutual agreement. Paper 21. However, Samsung filed no reply by October 11, 2024. Instead, on October 9, 2024, Samsung sent an email communication to the Board, stating “Petitioner Samsung and Patent Owner Slyde have reached a settlement in principle of the related district court litigation and will seek leave to file a motion to terminate Samsung’s further participation in IPR2024-00006 and IPR2024-00040 once the final settlement agreement has been executed. It is Samsung’s understanding that joint Petitioner Garmin Ltd. intends to take over the role of lead Petitioner from Samsung in IPR2024-00006.” Ex. 3002.

Garmin subsequently contacted the Board on October 10, 2024 to request a conference call to discuss Garmin’s expected new role as Lead

Petitioner and to request a revised schedule for Garmin to file Petitioner's Reply. Ex. 3003.

II. DISCUSSION

During the conference call on October 16, 2024, counsel for Patent Owner and counsel for Samsung confirmed that they have settled in principle and all that remains are the details of finalizing and executing a settlement agreement. However, they also stated that they do not know exactly when the settlement agreement will be finalized and executed or when a motion to terminate Samsung from this proceeding will be filed. Counsel for Garmin explained that Garmin and Zepp have agreed that Garmin will become the primary Petitioner upon Samsung's termination and Zepp will remain as "understudy." Counsel for Garmin also indicated that Garmin and Patent Owner have agreed to a revised schedule that extends Petitioner's time to file a reply to November 11, 2024, and Patent Owner's time to file a Sur-reply to December 13, 2024.

During the conference call, we authorized Garmin to file a Notice of Stipulated Change to the Scheduling Order, changing due dates 2 and 3 to November 11, 2024 and December 13, 2024, respectively. Upon further consideration, given the unique facts of this case, we find it reasonable to promote Garmin to Lead Petitioner, demote Samsung to primary "understudy," and maintain Zepp's status as secondary "understudy." If the circumstances materially change and the expected settlement between Samsung and Patent Owner does not come to fruition, the parties should contact the Board to discuss the matter further.

III. ORDER

It is

ORDERED that Garmin Ltd. will replace Samsung as Lead Petitioner in this proceeding, and Samsung now assumes a primary “understudy role” the same as Garmin did prior to issuance of this Order;

FURTHER ORDERED that Zepp Petitioner remains in its secondary “understudy” role and will be bound by future substantive filings of Garmin as Lead Petitioner;

FURTHER ORDERED that Samsung, in its “understudy” role, may no longer file substantive papers or take any active role in the proceeding; however, this in no way prohibits Samsung from filing a motion to terminate together with a true copy of its settlement agreement with Patent Owner; and

FURTHER ORDERED that Petitioner and Patent Owner shall file a joint submission, within one week of the date of issuance of this Order, to provide a proposed revised schedule that does not move the January 9, 2025, oral hearing date, including any necessary changes to the times for filing a reply, a sur-reply, a motion to exclude, an opposition to motion to exclude, a reply to motion to exclude, and a request for oral argument.

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