

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

BROADPHONE LLC,
Patent Owner.

IPR2024-00153 (Patent 8,170,583 B2)
IPR2024-00154 (Patent 8,594,698 B2)
IPR2024-00155 (Patent 10,341,811 B2)¹

Before KARL D. EASTHOM, SCOTT A. DANIELS, and
LISA L. TSANG, *Administrative Patent Judges*.

TSANG, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motions to Excuse Late Filing
of its Preliminary Response by One Day
35 C.F.R. § 42.5

¹ This Order applies to each of the captioned proceedings. The parties are not permitted to use this style of caption.

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IPR2024-00155 (Patent 10,341,811 B2)

On February 26, 2024, Broadphone LLC (“Patent Owner”) filed an authorized (*see* Ex. 2001) Motion to Excuse Late Filing of its Preliminary Response by One Day in each of the captioned proceedings. Paper 7 (“Motions” or “Mot.”).² Samsung Electronics Co., Ltd. (“Petitioner”) filed oppositions to the Motions. Paper 8 (“Opp.”). For the reasons below, we grant Patent Owner’s Motions and excuse the late filing of its Preliminary Responses.

Patent Owner’s Motions assert it was unable to timely file its Preliminary Responses in P-TACTS, but that it timely served Petitioner with the Preliminary Responses. Mot. 1–2. Patent Owner further argues there is no prejudice to Petitioner, and the delay does not interfere with the Board’s ability to issue decisions on institution within three months. *Id.* at 2–3. Petitioner responds that it “takes no position on Patent Owner’s motion[s].” Opp. 1. However, Petitioner “provide[s] the Board with additional context” regarding Patent Owner’s late filing of the Preliminary Responses and communications between the parties. *Id.* at 1–3.

We have considered the parties’ arguments and determine that the interests of justice would be served by considering Patent Owner’s Preliminary Responses. *See* 37 C.F.R. § 42.5(c)(3). Because Patent Owner timely served Petitioner with the Preliminary Responses, and because Patent Owner filed the Preliminary Responses in P-TACTS only one day late, neither Petitioner nor the Board was prejudiced by the late filings.

² IPR2024-00153, IPR2024-00154, and IPR2024-00155 include similar papers and exhibits. Unless otherwise noted, all citations are to papers and exhibits in IPR2024-00153 as representative.

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Furthermore, the Preliminary Responses will assist us in evaluating the relevant issues prior to our decisions on institution.

Accordingly, it is:

ORDERED that the Motions are granted.

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For PETITIONER:

Joseph E. Palys
Naveen Modi
Kevin M. Steward
PAUL HASTINGS LLP
josephpalys@paulhastings.com
naveenmodi@paulhastings.com
kevinstewart@paulhastings.com

For PATENT OWNER:

Reza Mirzaie
Qi (Peter) Tong
RUSS AUGUST & KABAT
rmirzaie@raklaw.com
ptong@raklaw.com