

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBAY, INC.,
Petitioner,

v.

LEXOS MEDIA IP, LLC,
Patent Owner.

IPR2024-00337
Patent 6,118,449

Before PHILLIP J. KAUFFMAN, JEFFREY S. SMITH, and
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

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

I. INTRODUCTION

Lexos Media IP, LLC (“Patent Owner”) is the owner of U.S. Patent 6,118,449 (“the ’449 patent”). Paper 5, 1. On December 20, 2023, eBay Inc. (“eBay”) filed a Petition for *inter partes* review challenging the patentability of claims 1, 27, 38, and 58 of the ’449 patent. Paper 2 (“Pet.”). The same day, Petitioner filed a Motion for Joinder, seeking that this proceeding be joined with pending *inter partes* review IPR2023-01001 (“01001 IPR”). Paper 3 (“Mot.” or “Motion”). After requesting and receiving a one week extension of time, Patent Owner filed an Opposition to the Motion on January 26, 2024. Paper 7. Petitioner filed a Reply to the Opposition on February 1, 2024. Paper 8.

Petitioner represents that the instant Petition “is substantively identical” to the 01001 IPR, “containing only minor differences unrelated to the merits of the proposed grounds.” Mot. 7. Petitioner contends that it is willing to follow the 01001 IPR scheduling order should we join Petitioner to the 01001 IPR, in which a motion for termination has been filed by the petitioner in that proceeding and Patent Owner. *Id.* at 1; *see* IPR2023-01001, Paper 11 (Joint Motion to Terminate).

In the interest of more quickly resolving the joinder question, we accelerate the timeframe for the preliminary response. *See* IPR2019-00074, Paper 5 (PTAB Oct. 30, 218) (Order on the Conduct of the Proceeding). Accordingly, Patent Owner, may, if it wishes, file a preliminary response to the Petition no later than February 21, 2024. **This is a shortened time for filing a preliminary response.** Patent Owner may, in the alternative, file an election to waive the preliminary response to expedite the proceeding.

ORDER

Accordingly, it is:

ORDERED that Patent Owner may file a preliminary response to the Petition, or file an election to waive the preliminary response, no later than February 21, 2024.

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