

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN PINCAN TECHNOLOGY CO., LTD.,
Petitioner,

v.

THE RIDGE WALLET LLC,
Patent Owner.

IPR2024-00340
Patent 10,791,808 B2

Before WILLIAM V. SAINDON, JASON W. MELVIN, and
MATTHEW S. MEYERS, *Administrative Patent Judges*.

MEYERS, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.05

INTRODUCTION

On September 27, 2024, Patent Owner emailed the Board with a concern that Petitioner has not yet made its declarant, Dr. Cameron, available for deposition. *See generally* Ex. 3001. Patent Owner states that it first emailed Petitioner on August 18, 2024, requesting deposition dates for Dr. Cameron in September. *Id.* at 3. Patent Owner states further that Petitioner did not respond to its first email nor did it respond to seven additional emails sent thereafter with anything related to its request to make Dr. Cameron available for deposition. *Id.* However, according to Patent Owner, on September 25, 2024, Petitioner responded to Patent Owner with the following: “Please be advised that Shenzhen Pincan Technology Co., Ltd. intends to substitute its counsel in the ongoing IPR.” *Id.*

On September 30, 2024, the Board responded to Patent Owner’s email, “that the parties are free to stipulate to extensions to Due Date 1 (October 10, 2024)” and “[i]f the parties are unable to come to an agreement by October 2, the parties must reach out with mutually-available times and days for a conference call with the Board to be held this week.” Ex. 3001, 2. On October 15, 2024, Patent Owner again contacted the Board, via email, to note that the parties had agreed to extend Due Date 1 from October 10, 2024 to October 24, 2024, but that Patent Owner had still “not received a deposition date for Dr. Cameron” because “Petitioner’s counsel [was] apparently not even authorized to respond on behalf of its client at this time.” *Id.* at 1.

On October 17, 2024, a conference call was convened. Ben Weed appeared for Patent Owner and Tianyu Ju appeared for Petitioner. Judges Saindon, Melvin, and Meyers were present.

DISCUSSION

During the conference call, Mr. Weed informed the Board that Petitioner had still not provided him with a deposition date for Dr. Cameron. Ms. Ju responded that she was still unable to provide a deposition date for Dr. Cameron, but would have more instruction from Shenzhen Pincan Technology Ltd. later that day.¹

After convening, we instructed Petitioner to provide deposition dates for Dr. Cameron in order for Patent Owner to file a Notice of Deposition by October 24, 2024. Should Petitioner not provide Patent Owner with deposition dates for Dr. Cameron, we grant Patent Owner's request to submit a motion to strike Dr. Cameron's declaration on the basis of Petitioner not making her available for a deposition within a reasonable timeframe. Ex. 3001, 1; 37 C.F.R. § 42.51(b)(1)(ii) (stating a party is entitled to cross examination "within such time period as the Board may set"). We also modify the Scheduling Order issued in this proceeding, as set forth below, to extend the deadline for Patent Owner's Response.

¹ We note that Petitioner has not requested authorization to file a Motion to Withdraw from the representation of Petitioner. 37 C.F.R. § 42.10(e) (requiring Board authorization before counsel can withdraw from a proceeding).

ORDER

It is

ORDERED that Petitioner is to provide deposition dates for Dr. Cameron by 5 PM ET on October 23, 2024; and

FURTHER ORDERED that Patent Owner is to file a Notice of Deposition pursuant to 37 C.F.R. § 42.53 by 5 PM ET on October 24, 2024 or, if Petitioner does not provide reasonable deposition dates for Dr. Cameron by 5 PM ET on October 23, 2024, then Patent Owner is authorized to file a Motion to Strike Dr. Cameron's Declaration (Ex. 1003) by 5 PM ET on October 31, 2024, not to exceed 5 (five) pages and Petitioner is authorized to file an Opposition to the Motion by 5 PM ET on November 7, 2024, not to exceed 5 (five) pages; and

FURTHER ORDERED that Due Dates 2–7 remain unchanged, but Due Date 1 is modified as follows:

DUE DATE 1 December 3, 2024

Patent Owner's Response to the Petition

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