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Subject: IPR2024-00537, -00538, -00305, and -00306, Microsoft Corp. v. InterDigital Corp
Date: Friday, August 2, 2024 12:59:19 PM
Attachments: [image001.png](#)
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Dear Honorable Board,

Pursuant to the scheduling orders in each of IPR2024-00537 and -00538 (in each IPR, Paper 11 at 2), which involve two patents from the same family, counsel for Petitioner (Microsoft) and Patent Owner (InterDigital) jointly request a conference call with the Board to discuss schedule adjustments that would align these IPRs with the earlier-instituted IPRs involving the same patents (IPR2024-00305 and -00306). One purpose of the schedule changes would be to allow a single argument for each patent and to facilitate final written decisions issuing on the same day for each patent.

The parties defer to the Board's preferred path, but for purposes of discussion propose consolidating the earlier-instituted IPRs into the later-instituted IPRs (IPR2024-00305 into IPR2024-00537 and IPR2024-00306 into IPR2024-00538) or otherwise delaying the schedules of the earlier-instituted IPRs to align with the schedules of the later-instituted IPRs such that a single argument can be held for each patent and the Board can issue final written decisions for a given patent on the same day. *E.g.*, *Envirotainer AB v. Doubleday Acquisitions, LLC*, IPR2022-00864, Paper 17 (PTAB Jan. 5, 2023) (consolidating earlier IPR into later IPR after institution of both IPRs). The parties just filed a joint stipulation moving back each of Due Dates 1-3 in the earlier-instituted IPRs by one month, making the PORs due September 2, 2024. As noted in Petitioner's recently-filed Updated Mandatory Notices, the challenged '933 and '054 patents were recently terminated from the ITC proceeding on July 26, 2024, after the district court found the claims unpatentable under Section 101 on July 17, 2024.

The parties submit that good cause exists for consolidation and, if needed, extension of the final written decision deadline for the earlier IPRs at least because the IPRs that would be consolidated involve the same parties and the same challenged claims. Consolidating the IPRs and/or aligning their schedules will promote efficiencies and reduce costs at least for depositions, briefings, and hearings. Further, it would allow the Board to issue final written decisions (FWDs) on the same day, thus avoiding unnecessary repetition and ensuring consistency on common issues in dispute in the two sets of IPRs.

The parties are willing to formally request an extension of the one-year statutory deadline for the earlier IPRs, if needed to facilitate the above goals, as occurred in *Envirotainer*. IPR2022-00864, Paper 17 at 2.

The parties are still conferring, but are inclined to propose a single set of briefs in each IPR with increased word count limits (e.g., 20,000 total words for a patent owner response) at least because the respective IPRs for a given patent present different grounds of unpatentability. *E.g.*, *Mercedes-Benz USA, LLC v. Carucel Investments, L.P.*, IPR2019-01644, Paper 9 at 37 (PTAB Mar. 26, 2020) (consolidating briefing with higher word counts).

Counsel for the parties can be available at the Board's convenience August 12-13 and 19-23.

Respectfully submitted,

IPR2024-00305, -00306, -00537, -00538
Ex. 3001

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