

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JUNIPER NETWORKS, INC.,
Petitioner,

v.

MONARCH NETWORKING SOLUTIONS LLC,
Patent Owner.

IPR2024-00485 (Patent 8,451,844 B2)
IPR2024-00565 (Patent 8,451,845 B2)¹

Before THU A. DANG, BRIAN J. McNAMARA, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

¹ This Order pertains to all captioned cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

I. INTRODUCTION

On June 12, 2024, Judges Dang, McNamara, and Weinschenk held a telephone conference call with counsel for Juniper Networks, Inc. (“Petitioner”) and counsel for Monarch Networking Solutions LLC (“Patent Owner”). This Order summarizes statements made during the conference call.

II. ANALYSIS

Petitioner relies on a reference known as Li-2 in the Petition. IPR2024-00485, Paper 1, 19–23; IPR2024-00565, Paper 1, 12–59, 64–75. Patent Owner contends in the Preliminary Response that “as of May 9, 2024, the staging folder [for Li-2] is not accessible,” and “the link to Li-2 identified in Petitioner’s exhibit list did not work as of May 9, 2024.” IPR2024-00485, Paper 6, 34; IPR2024-00565, Paper 12, 32. Petitioner argued during the conference call that Patent Owner’s contention regarding the availability of Li-2 on May 9, 2024, was not foreseeable and is irrelevant. Patent Owner responded that its contention was foreseeable because one of Petitioner’s declarants acknowledged that the availability of Li-2 in the staging directory may change in the future. Patent Owner also responded that the availability of Li-2 on May 9, 2024, is relevant to the credibility of Petitioner’s assertion in the Petition that Li-2 was available at other times.

After hearing the respective positions of the parties, we denied Petitioner’s request for authorization to file a reply to the Preliminary Response. We explained that at this time the current record is sufficient for us to address the parties’ dispute about the availability of Li-2. Nonetheless, if we later determine that additional briefing is necessary, we will schedule

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another conference call with the parties.

III. ORDER

It is hereby

ORDERED that Petitioner's request for authorization to file a reply to the Preliminary Response is *denied*.

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For PETITIONER:

James M. Glass

Todd M. Briggs

Nima Hefazi

Kevin Johnson

QUINN EMANUEL URQUHART & SULLIVAN, LLP

jimglass@quinnemanuel.com

toddbriggs@quinnemanuel.com

nimahefazi@quinnemanuel.com

kevinjohnson@quinnemanuel.com

For PATENT OWNER:

R. Allan Bullwinkel

Michael F. Heim

Christopher L. Limbacher

HEIM, PAYNE & CHORUSH, LLP

abullwinkel@hpcllp.com

mheim@hpcllp.com

climbacher@hpcllp.com