

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA OF AMERICA CORP., ERICSSON INC., AT&T SERVICES, INC.,
CELLCO PARTNERSHIP d/b/a VERIZON WIRELESS, T-MOBILE USE, INC.,
Petitioners,

v.

WIRELESS ALLIANCE LLC,
Patent Owner.

IPR2024-00619
Patent 10,045,383 B2

Before MICHELLE N. WORMMEESTER, AMBER L. HAGY, and
ANDREW L. NALVEN, *Administrative Patent Judges*.

NALVEN, *Administrative Patent Judge*.

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

On July 12, 2024, Wireless Alliance LLC (“Petitioner”) emailed the Board requesting authorization to file a reply of up to 7 pages to Patent Owner’s Preliminary Response (“POPR”) for the purposes of addressing whether Acharya qualifies as prior art, whether changing the statutory basis for qualifying prior art is a material change, and the *Fintiv* issues raised in the POPR. Ex. 3001. Petitioner proposes a due date of two weeks from authorization for the reply and to further authorize Patent Owner two weeks to file a 7-page sur-reply. *Id.* Petitioner states that Patent Owner does not oppose Petitioner’s request on the condition that “Petitioner will strictly and exclusively limit its reply to the issues actually raised in the POPR [and] Petitioner will not make any statements or arguments about topics that were not raised in the POPR.” *Id.*

We grant Petitioner’s request for additional briefing on whether Acharya qualifies as prior art and whether changing the statutory basis for qualifying prior art is a material change because we determine that the Board would benefit from briefing on these issues. However, we deny Petitioner’s request for additional briefing on the *Fintiv* issues raised in the Preliminary Response as unnecessary.

Accordingly, it is

ORDERED that Petitioner is authorized to file a five-page reply, limited to whether Acharya qualifies as prior art and whether changing statutory basis for qualifying prior art is a material change, no later than July 24, 2024;

FURTHER ORDERED that Patent Owner is authorized to file a five-page sur-reply, limited to responding to the subject matter in Petitioner’s reply, no later than July 31, 2024; and

FURTHER ORDERED that no additional evidence is permitted to be submitted with either paper.

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For PETITIONER:

John Haynes
David Frist
Michael Deane
Ross Barton
ALSTON & BIRD LLP
john.haynes@alston.com
david.frist@alston.com
michael.deane@alston.com
ross.barton@alston.com

For PATENT OWNER:

Jonathan Link
Qi Tong
RUSS AUGUST & KABAT
jlink@raklaw.com
ptong@raklaw.com