Trials@uspto.gov
571-272-7822

Paper 42
Date: November 19, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RØDE MICROPHONES, LLC, and
FREEDMAN ELECTRONICS PTY LTD.,
Petitioner,

v.

ZAXCOM, INC.,
Patent Owner.

IPR2025-00230 (Patent 7,711,443 B1)
IPR2025-00231 (Patent 7,929,902 B1)
IPR2025-00232 (Patent 10,276,207 B1)[1]

Before JUSTIN T. ARBES, MIRIAM L. QUINN, and
STEPHEN E. BELISLE, *Administrative Patent Judges.*

PER CURIAM.

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

[1] This Order addresses issues pertaining to all three cases. Therefore, we exercise our discretion to issue one Order to be filed in each case. Except as authorized herein, the parties are not authorized to use this style heading for any subsequent papers.

A conference call in the above proceedings was held on November 13, 2025, among respective counsel for Petitioner and Patent Owner, and Judges Arbes, Quinn, and Belisle. The purpose of the call was to discuss Patent Owner's request for authorization to file a motion to terminate and for sanctions in IPR2025-00230 and IPR2025-00232, and a motion for sanctions in IPR2025-00231. *See* Ex. 3004.

IPR2025-00230 and IPR2025-00232

Patent Owner argued during the call that it is in possession of evidence, including a press release from Petitioner, allegedly showing that Lectrosonics, Inc. ("Lectrosonics") is an unnamed real party-in-interest in the instant proceedings. Specifically, Patent Owner asserted that Petitioner RØDE Microphones, LLC acquired Lectrosonics as a wholly-owned subsidiary in May 2025, and Lectrosonics became a real party-in-interest at some point between the filing of the Petitions (on December 4, 2024) and the Board's decisions on institution (on June 16, 2025), but Petitioner failed to update its mandatory notice information within 21 days as required by 35 U.S.C. § 42.8(a)(3). Patent Owner argued that Petitioner's failure to name Lectrosonics cannot be cured now and the proceedings should be terminated. Finally, Patent Owner argued that Petitioner made various false or misleading representations regarding its relationship with Lectrosonics that warrant sanctions under 37 C.F.R. § 42.12.

Petitioner responded that Patent Owner waived any argument that Lectrosonics should have been named as a real party-in-interest by failing to raise the issue prior to institution or in its Patent Owner Responses. Petitioner disputed whether it made any false or misleading representations

and argued that the statements cited by Patent Owner during the call were merely attorney argument. According to Petitioner, Patent Owner has, at most, raised a good faith dispute as to whether Lectrosonics is a real party-in-interest, but has provided no basis on which to terminate the proceedings. Petitioner acknowledged the Board's determination in IPR2025-00231 that Lectrosonics was a privy of Petitioner, but argued that privity is a broader inquiry than whether an entity is a real party-in-interest.

Given the fact-intensive nature of the parties' arguments during the call, we determine that briefing is warranted. Patent Owner is authorized to file a motion to terminate and for sanctions, and should clearly set forth in its motion the specific relief being requested and the basis for such relief. The parties are encouraged to address in their papers all relevant authority, including, for example, 35 U.S.C. § 312(a)(2); 37 C.F.R. §§ 42.5(c)(3), 42.8, and 42.12; *Corning Optical Comm'cns RF, LLC v. PPC Broadband, Inc.*, IPR2014-00440, Paper 68 (PTAB Aug. 18, 2015) (precedential except as to § II.E.1); *Proppant Express Investments, LLC v. Oren Techs., LLC*, Paper 86 (PTAB Feb. 13, 2019) (precedential); and *Lumentum Holdings, Inc. v. Capella Photonics, Inc.*, IPR2015-00739, Paper 38 (PTAB Mar. 4, 2016) (precedential). We express no opinion at this time on the merits of the parties' arguments.

IPR2025-00231

Subsequent to institution in IPR2025-00231, the Board dismissed the Petition, vacated the decision on institution, and terminated the proceeding, finding that Lectrosonics was a privy of Petitioner and the Petition thus was time-barred under 35 U.S.C. § 315(b). IPR2025-00231, Papers 32, 33.

Petitioner's request for Director Review of that decision was denied on October 20, 2025. IPR2025-00231, Paper 40.

Despite termination of this proceeding on August 8, 2025, Patent Owner (for the first time) now requests authorization to file a motion for sanctions against Petitioner relating to alleged malfeasance of Petitioner in disclosing and characterizing Lectrosonics (discussed above) during the proceeding. But during the November 13 conference call, Patent Owner did not address persuasively (if at all) (1) whether the Board has jurisdiction at this juncture to entertain a motion for sanctions against Petitioner, and (2) why Patent Owner has not waived filing of such a motion, particularly where Patent Owner could have sought authorization to do so before termination of the proceeding (such as concurrently with Patent Owner's motion to terminate filed on June 2, 2025). Thus, we decline to authorize the requested sanctions motion in this proceeding.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized to file a motion to terminate and for sanctions in IPR2025-00230 and IPR2025-00232, limited to 15 pages, by November 28, 2025;

FURTHER ORDERED that Petitioner is authorized to file an opposition in IPR2025-00230 and IPR2025-00232, limited to 15 pages, by December 10, 2025;

FURTHER ORDERED that the parties shall file the same paper in both IPR2025-00230 and IPR2025-00232, using a caption referring to both proceedings, and may file evidence, as exhibits in each proceeding, with the motion and opposition; and

FURTHER ORDERED that no other additional filings are authorized in any of the three proceedings.

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FOR PETITIONER:

Jeffrey B. Plies
Michael A. Fisher
DECHERT LLP
jeffrey.plies@dechert.com
michael.fisher@dechert.com

FOR PATENT OWNER:

Rita C. Chipperson
CHIPPERSON LAW GROUP, P.C.
rcc@chippersonlaw.com

Gerard O'Rourke
O'KELLY & O'ROURKE, LLC
gorourke@orourkefirm.com