

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC. and AMAZON WEB SERVICES, INC.,¹
Petitioner,

v.

ZIKLAG IP LLC,
Patent Owner.

IPR2025-00700
Patent 6,182,128 B1

Before HUNG H. BUI, SCOTT A. DANIELS, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

BUI, *Administrative Patent Judge*.

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

¹ Amazon Web Services, Inc. filed a petition and a motion for joinder in IPR2026-00047, and has been joined as a petitioner in this proceeding.

INTRODUCTION

On June 4, 2026, the Board held a pre-hearing conference with the parties at approximately 4:30 P.M., Eastern Time. The participants were respective counsel for the parties and Judges Bui, Daniels, and Szpondowski. The principal purpose of the conference call was to discuss (1) Petitioner’s Motion to Strike a Portion of Patent Owner’s Sur-Reply (Paper 20, “Motion”) pertaining to the claim term “substantially real time” and (2) Patent Owner’s Opposition to Petitioner’s Motion to Strike (Paper 21).

During the conference call, Petitioner’s counsel requested guidance on the Motion relative to the claim term “substantially real time”—a term that has not been construed by the Board in its Institution Decision (Paper 8). In the Motion, Petitioner argues (1) “Patent Owner impermissibly asserts its new argument regarding ‘substantially real time’ for the first time in its Sur-Reply” and (2) “Patent Owner’s new argument during oral hearing would prejudice Petitioner.” Paper 20, 3–5. Patent Owner counters that the “Sur-Reply does not introduce a ‘new issue’ or ‘new theory’” regarding the claim term “substantially real time,” but instead provides “clarification and relevant context for the issues the Board will decide.” Paper 21, 3–5.

The Board is not ready to rule on Petitioner’s Motion at this time. However, we authorize the parties to provide additional briefing regarding the meaning of the claim term “substantially real time” based on an

expedited briefing schedule in advance of oral arguments scheduled on **Wednesday, June 17, 2026** as follows:

- Petitioner’s opening brief – 5 pages, due 6/9/2026; and
- Patent Owner’s responsive brief - 5 pages, due 6/11/2026.

No additional papers, exhibits, or evidence are authorized at this time.

In the May 10, 2026 Order Setting Oral Argument (Paper 22) we allocated each party 40 minutes of total argument time to present their arguments. Paper 22, 2. In light of this additional briefing, we will allocate each party **60** minutes of total argument time inclusive of any proffered construction of the term “substantially real time.” Further, under the Oral Setting Oral Argument, the parties are required to serve demonstratives on opposing counsel at least 7 business days before the hearing date. Paper 22, 3. In light of this additional briefing, the parties are permitted to stipulate to an alternative schedule for serving demonstratives. However, the parties shall file the demonstratives with the Board by Monday, June 15, 2026.

ORDER

Accordingly, it is

ORDERED that the parties’ limited briefing is authorized to solely address the claim construction of the term “substantially real time.”

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