

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

NETLIST, INC.,
Patent Owner.

IPR2022-00615
Patent 7,619,912 B2

Before JON M. JURGOVAN, DANIEL J. GALLIGAN, and
KARA L. SZPONDOWSKI, *Administrative Patent Judges*.

JURGOVAN, *Administrative Patent Judge*.

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

As directed by our Order entered February 13, 2023, Petitioner has produced additional discovery sought by Patent Owner on the issue of whether the Petition is time-barred under 35 U.S.C. § 315(b). *See* Paper 42. Petitioner filed the additional discovery by the due date of March 10, 2023.

Also, as directed by our Order, the parties have met and conferred by the due date of March 17, 2023. Ex. 3011. Following their meeting, the parties make the following proposals for briefing concerning the additional discovery. *Id.*

Petitioner contends that no additional briefing is needed for the additional discovery, but if the Board does permit any additional briefing, then Petitioner contends that Patent Owner should be limited to five pages, and Petitioner should be permitted a response of five pages due 14 days later. *Id.*

Patent Owner contends the briefing on the additional discovery should be as follows:

1. Opening, 15 pages, two weeks from Board order
2. Opposition, 15 pages, two weeks from opening
3. Reply, 5 pages, 1 week from opposition
4. Sur-reply, 5 pages, 1 week from reply.

Id.

We find it would be in the interests of justice to receive Patent Owner's and Petitioner's views on the additional discovery before deciding the issue of time-bar under 35 U.S.C. § 315(b). We therefore authorize briefing on the additional discovery as follows:

- (1) Patent Owner's Opening Brief limited to 15 pages is due to be filed by April 5, 2023.
- (2) Petitioner's Opposition limited to 15 pages is due to be filed by

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April 19, 2023.

(3) Patent Owner's Reply limited to 5 pages is due by April 26, 2023.

(4) Petitioner's Sur-Reply limited to 5 pages is due May 3, 2023.

It is so ORDERED.

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