

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SILICON LABORATORIES, INC.,
Petitioner,

v.

CRESTA TECHNOLOGY CORPORATION,
Patent Owner.

IPR2014-00728 (Patent 7,075,585 B2)
IPR2014-00809 (Patent 7,265,792 B2)
IPR2014-00881 (Patent 7,251,466 B2)¹

Before PHILLIP J. KAUFFMAN, GREGG I. ANDERSON, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. §§ 42.5, 42.51(b)(2), 42.53(g)

¹ The parties are not authorized to use this style heading in subsequent papers.

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On November 14, 2014, a conference call was held between counsel for the parties and Judges Kauffman, Anderson, and Boucher.

1. Motion for Additional Discovery

Patent Owner requests authorization to file a motion for additional discovery under 37 C.F.R. § 42.51(b)(2). Specifically, Patent Owner seeks discovery of documents related to copying by Petitioner, reasoning that such documents are relevant to nonobviousness under the rationale set forth in *Panduit Corp. v. Dennison Mfg. Co.*, 810 F.2d 1561 (Fed. Cir. 1987). Patent Owner contends that redacted versions of the requested documents have been produced in *Certain Television Sets, Television Receivers, Television Tuners, and Components Thereof*, Inv. No. 337-TA-910 (ITC), a related proceeding before the International Trade Commission (“ITC”), subject to a protective order entered by the ITC. Petitioner opposes, contending that production of the requested discovery would be burdensome and costly and that the documents are of little probative value in this proceeding because they relate to infringement issues rather than patentability issues.

After consideration of the parties’ respective positions, we authorize Patent Owner to file a motion for additional discovery, limited to no more than five pages. The motion should (1) state precisely the discovery sought; (2) address the test for granting a motion for additional discovery set forth in *Garmin Int’l, Inc. v. Cuozzo Speed Techs. LLC*, Case No. IPR2012-00001, Paper 26, 6–7 (PTAB, Mar. 5, 2013) (informative); and (3) address the

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effect of the ITC protective order on its motion. Petitioner is authorized to file an opposition to the motion.

2. Motion to Correct Typographical Error in the Petition

The Board confirmed its order authorizing Petitioner to file a motion to correct the Petition of IPR2014-00809 under 37 C.F.R. § 42.104(c), and for Patent Owner to file an opposition, as set forth in our Decision on Request for Rehearing for IPR2014-00809 (Paper 19).

3. Court-Reporter Costs

The Board confirmed Patent Owner's interpretation of 37 C.F.R. § 42.53(g), which requires that "the proponent of the direct testimony shall bear all costs associated with the testimony, including the reasonable costs associated with making the witness available for cross-examination." Such costs to be borne by the proponent of direct testimony include the cost of recording the cross-examination of the witness. *See InVue Security Products, Inc. v. Merchandising Technologies, Inc.*, Case No. IPR2013-00122, Paper 47, 2–3 (PTAB, Mar. 17, 2014).

4. Deposition Transcripts

When depositions of witnesses address issues in multiple of these proceedings, i.e. in IPR2014-00728, IPR2014-00809, and IPR2014-00881,

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the parties are authorized to file a single deposition transcript in each of the relevant proceedings.

It is

ORDERED that Patent Owner is authorized to file a motion for additional discovery as described *supra*, within five business days of the date of this order, limited to five pages in length;

FURTHER ORDERED that Petitioner is authorized to file a motion opposing Patent Owner's motion for additional discovery, within five business days of the filing date of Patent Owner's motion, limited to five pages in length.

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PETITIONER:

Peter Ayers
Brian Mangum
LEE & HAYES, PLLC
peter@leehayes.com
brianm@leehayes.com

PATENT OWNER:

Michael Fleming
Robert Hahl
Robert Mihail
NEIFELD IP LAW
mfleming@neifeld.com
rhahl@neifeld.com
rmihail@neifeld.com