

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CONOPCO, INC. dba UNILEVER
Petitioner,

v.

THE PROCTOR & GAMBLE COMPANY
Patent Owner.

Cases IPR2013-00505 (Patent 6,974,569 B2)
IPR2013-00509 (Patent 6,451,300 B1)¹

Before LORA M. GREEN, GRACE KARAFFA OBERMANN, and
RAMA G. ELLURU, Administrative Patent Judges.

GREEN, *Administrative Patent Judge*.

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

¹ This order addresses issues that are the same in both cases. We exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in subsequent papers.

The parties filed a Joint Motion to Adjust the Scheduling Order on April 22, 2014. IPR2013-00505, Paper 18; IPR2013-00509, Paper, 19. According to the motion, the “proposed schedule promotes efficiency and the just, speedy, and inexpensive resolution of the proceedings by allowing for a single deposition, rather than multiple depositions, of witnesses.” *Id.* at 2. Moreover, the parties contend that “the proposed date for Due Date 7 is only six weeks beyond that previously set forth in the original Scheduling Order,” which, the parties argue, “would allow for a final written decision within one year from institution should the Board not institute trial in [IPR2014-00506 or IPR2014-00507], or should the Board not join the proceedings.” *Id.* at 3.

The original Scheduling Orders set DUE DATE 7 for November 7, 2014. IPR2013-00505, Paper 10; IPR2013-00509, Paper, 11. The schedule proposed by the parties moves DUE DATE 7 to December 19, 2014. These *inter parties* reviews were instituted on February 12, 2014, making the one year statutory due date for the final decision February 12, 2015. Thus, if we do not join IPR2013-00505 with IPR2014-00506, as well as also join IPR2013-00509 with IPR2014-00507, we would have less than 8 weeks to issue the final decision in both IPR2013-00505 and 2013-00509. In that regard, in our order of April 22, 2014, we cautioned the parties that we would “prefer not to move the hearing date seven and half weeks later than the current date of November 7, 2014, as proposed by Patent Owner.” IPR2013-00505, Paper 17 at 2-3; IPR2013-00509, Paper 18 at 2-3.

We, therefore, decline to adjust the scheduling order at this time. In order to allow the parties to accommodate any possible joinder, however, we authorize the parties to stipulate to changes in DUE DATES 4 and 5 in addition to DUE DATES 1, 2, and 3, with the proviso that if the parties desire to have an oral hearing, that the request be filed by original DUE DATE 4, that is, October 3, 2014.

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In consideration of the foregoing, it is hereby:

ORDERED, that the parties' joint motion to adjust the scheduling order in each of IPR2013-00505 and IPR2013-00509 is *denied*; and

FURTHER ORDERED, that the parties are authorized to stipulate to changes in DUE DATES 4 and 5, with the proviso that, if the parties desire to have an oral hearing, the request be filed by original DUE DATE 4, that is, October 3, 2014.

Case IPR2013-00505 (Patent 6,974,569 B2)
IPR2013-00509 (Patent 6,451,300 B1)

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