

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

VIRGINIA INNOVATION SCIENCES, INC.,
Patent Owner.

Case IPR2014-00557
Patent 8,135,398 B2

Before MICHAEL W. KIM, BRIAN J. McNAMARA,
and MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

DECISION TO INSTITUTE AND GRANT OF MOTION FOR JOINDER
Institution of *Inter Partes* Review
37 C.F.R. § 42.108

I. INTRODUCTION

Samsung Electronics Co., Ltd. (“Petitioner”) filed a corrected Petition requesting an *inter partes* review of claims 58 and 63 of U.S. Patent No. 8,135,398 B2 (Ex. 1001, “the ’398 Patent”). Paper 1 (“Pet.”). The Petition includes a Motion for Joinder under 37 C.F.R. § 42.122 (Paper 3; “Motion for Joinder”). Virginia Innovation Sciences, Inc. (“Patent Owner”) filed an Opposition to Joinder (Paper 8; “Opposition”), but did not file a Preliminary Response by the accelerated due date of May 15, 2014, set forth in an order dated April 24, 2014 (Paper 9). We have jurisdiction under 35 U.S.C. § 314.

The standard for instituting an *inter partes* review is set forth in 35 U.S.C. § 314(a) which provides as follows:

THRESHOLD.—The Director may not authorize an *inter partes* review to be instituted unless the Director determines that the information presented in the petition filed under section 311 and any response filed under section 313 shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.

Upon consideration of the Petition, we determine that the information presented by Petitioner has established that there is a reasonable likelihood that Petitioner would prevail in showing the unpatentability of claims 58 and 63 of the ’398 Patent. Accordingly, we institute an *inter partes* review on claims 58 and 63. We also grant the Motion for Joinder.

A. *Related Proceedings*

Petitioner and Patent Owner indicate that Patent Owner asserted the ’398 Patent against Petitioner in *Virginia Innovation Sciences, Inc. v. Samsung Electronics Co., Ltd.*, Case No. 2:12-cv-00548-MSD-DEM (E.D.

Case IPR2014-00557
Patent 8,135,398 B2

Va.), filed October 4, 2012. Pet. 1; Paper 7, 2. Petitioner and Patent Owner also have identified the following related and pending *inter partes* reviews: *Samsung Electronics Co., Ltd. v. Virginia Innovation Sciences, Inc.*, Case IPR2013-00569 (U.S. Patent No. 8,145,268 B2); *Samsung Electronics Co., Ltd. v. Virginia Innovation Sciences, Inc.*, Case IPR2013-00570 (U.S. Patent No. 8,224,381 B2); *Samsung Electronics Co., Ltd. v. Virginia Innovation Sciences, Inc.*, Case IPR2013-00571 (U.S. Patent No. 8,135,398 B2). Pet. 1; Paper 7, 2.

B. The '398 Patent

The subject matter of the '398 Patent relates to systems and methods for providing multimedia content to and from various devices. Ex. 1001, 1:47–49. “Empowered by the next generation of wireless technology, cellular networks can provide users with access to information from the Internet such as video on demand, video conferences, databases, etc.” Ex. 1001, 1:51–54. Use of cellular phones is, thus, no longer limited to voice transmission. Ex. 1001, 1:54–55.

Such next generation wireless technology allows a user to engage in communications using various devices, and also allows the user to enjoy content in various vehicles. Ex. 1001, 2:66–3:2. For example, the user no longer merely watches television. Ex. 1001, 3:2–3. “Instead, the user may use their home computer, television, MP3, PDA, cellular phone or various hybrid devices to enjoy content.” Ex. 1001, 3:3–5. “This content also arrives from a variety of sources, not just broadcast television as in the past.” Ex. 1001, 3:5–6. According to the '398 Patent, although it may be desirable

to have more options, some consumers may feel overwhelmed trying to manage everything. Ex. 1001, 3:6–8. Thus, the '398 patent proposes solutions to problems that cause diminished user enjoyment of various devices and corresponding content due to the complications of trying to manage content and interface with a variety of devices that are not necessarily compatible. Ex. 1001, 3:9–13. According to the '398 Patent, one such solution, mobile terminal signal conversion, is set forth in Figure 9, reproduced below:

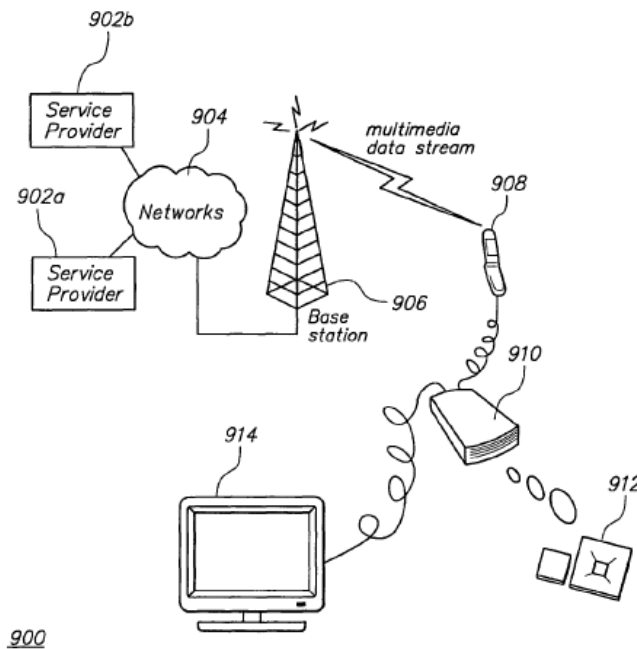


Figure 9 illustrates a schematic diagram of a system in which mobile signal conversion may reside.

Specifically, multimedia information may be provided by any number of service providers 902a-b and delivered through network 904 to base station 906 to accommodate transmission of the multimedia information to cellular phone 908, among other devices. Ex. 1001, 14:66–15:4. Mobile

terminal signal conversion module (MTSCM) 912 resides within separate housing 910, outside cellular phone 908. Ex. 1001, 15:19–21. MTSCM 912 processes signals to accommodate reproduction by an external device, such as external display system 914. Ex. 1001, 15:25–26. Specifically, a multimedia signal is transmitted to cellular phone 908 through network 904. Ex. 1001, 15:26–28. MTSCM 912 receives the multimedia signal from cellular phone 908, by, for example, a cable connection. Ex. 1001, 15:36–51. MTSCM 912 processes the multimedia signal to provide a converted video signal that has a display format and/or signal power level appropriate for external display terminal 914 that is separate from cellular phone 908. Ex. 1001, 15:52–55. The display format and/or signal power level of external display terminal 914 may be different from that of cellular phone 908. Ex. 1001, 15:55–58.

C. Illustrative Claim

The '398 Patent includes 93 claims, of which claims 58 and 63 are challenged. Claims 58 and 63 depend ultimately from independent claim 15. Independent claim 15 is reproduced as follows:

15. A wireless terminal apparatus for converting and sending of content to devices, the apparatus comprising:
 - a processor; and
 - a memory, the memory storing program code executable by a processor to perform operations comprising:
 - receiving a multimedia content item originated from a source located outside a designated location and destined for a destination device located within the designated location, wherein the multimedia content item is received through a wireless communication network by the wireless terminal

apparatus;

converting the multimedia content item for reproduction according to a determined signal format of the destination device; and

sending the converted multimedia content item to the destination device, wherein the destination device is a television, and wherein the sending comprises:

establishing a predetermined channel operatively in communication with the destination device, and

transporting the multimedia content item to the destination device via said predetermined channel,

for the destination device to display the multimedia content item in conjunction with a navigational command to the destination device for the predetermined channel.

D. Prior Art Relied Upon

Petitioner relies upon the following prior art references:

Karaoguz	US 8,028,093 B2	Sept. 27, 2011	(Ex. 1002)
Palin	US 7,580,005 B1	Aug. 25, 2009	(Ex. 1003)
Seaman	US 2004/0223614 A1	Nov. 11, 2004	(Ex. 1004)

E. The Asserted Ground

Petitioner contends that the challenged claims are unpatentable based on the following ground:

Reference(s)	Basis	Claims Challenged
Palin, Karaoguz and Seaman	§ 103(a)	58 and 63

II. ANALYSIS

A. Claim Construction

In an *inter partes* review, claim terms in an unexpired patent are interpreted according to their broadest reasonable construction in light of the

specification of the patent in which they appear. 37 C.F.R. § 42.100(b); Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,766 (Aug. 14, 2012). Also, claim terms are given their ordinary and customary meaning, as would be understood by one of ordinary skill in the art in the context of the entire disclosure. *In re Translogic Tech., Inc.*, 504 F.3d 1249, 1257 (Fed. Cir. 2007).

1. “*wireless terminal*”

Independent claim 15 recites “wireless terminal.” Claims 58 and 63 depend ultimately from independent claim 15. Petitioner indicates that in IPR2013-00571, which instituted a trial on independent claim 15 of the same patent, we construed “wireless terminal” as “a point in a system or communication network at which data can either enter or leave in a wireless manner.” Pet. 4. After reviewing the specification and our analysis in IPR2013-00571, we see no need to alter the aforementioned construction for the purposes of this decision.

2. “*HDMI*”

Dependent claims 58 and 63 each recite “HDMI.” Petitioner indicates that in IPR2013-00571, we construed HDMI” as “high definition multimedia interface.” Pet. 4. After reviewing the specification and our analysis in IPR2013-00571, we see no need to alter the aforementioned construction for the purposes of this decision.

3. “*wireless communication network*”

Independent claim 15 recites “wireless communication network.” Claims 58 and 63 depend ultimately from independent claim 15. Petitioner

indicates that in IPR2013-00571, we construed “wireless communication network” as “wireless network for transmitting voice or data.” Pet. 4. After reviewing the specification and our analysis in IPR2013-00571, we see no need to alter the aforementioned construction for the purposes of this decision.

B. Claims 58 and 63 – Obvious over Palin, Karaoguz, and Seaman

Petitioner contends that claims 58 and 63 are unpatentable under 35 U.S.C. § 103(a) as obvious over Palin, Karaoguz, and Seaman. Pet. 6–40. In support of this asserted ground of unpatentability, Petitioner provides detailed explanations as to how each claim limitation is disclosed or suggested by Palin, Karaoguz, and Seaman. In its explanations, Petitioner relies on the Declaration of Dr. Kevin C. Almeroth (Ex. 1005).

Karaoguz (Exhibit 1002)

Karaoguz discloses a system, including a communications device operatively connected to a network. Ex. 1002, 2:51–53. The communications device may receive a revisable device profile from the network, adapt media content based on the received device profile, and send the adapted media content to the network. Ex. 1002, 2:53–56. Figure 1 of Karaoguz is set forth below.

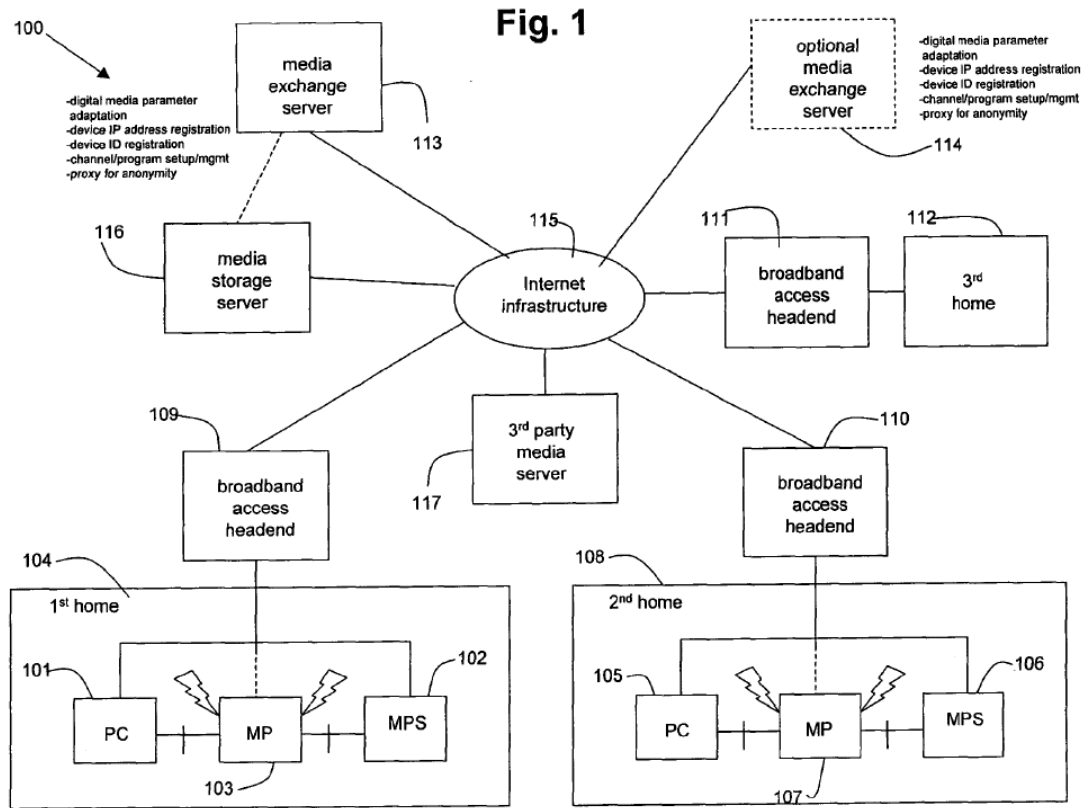


Figure 1 of Karaoguz is a diagram of a media exchange network including an architecture to support adaptive digital media parameters.

Ex. 1002, Fig. 1. Media exchange network 100 includes media processing system 102 (“MPS”) and media peripheral 103 (“MP”) at first home 104, and MPS 106 and MP 107 at second home 108. Ex. 1002, 3:59–63. MP 107 may interface with MPS 106 via a wireless link. Ex. 1002, 4:11–13. MPS 102, 106 may connect to media exchange network 100 via a wireless communications infrastructure. Ex. 1002, 8:40–45. MPS 102, 106 may include at least one of a set-top box, a PC, and a TV. Ex. 1002, 4:56–60. In one embodiment, Karaoguz discloses that MPS 106 includes HDTV capability. Ex. 1002, 6:34–36. MPS 106 sends a profile including the

HDTV capability to MPS 102 over media exchange network 100. Ex. 1002, 6:38–40. When MPS 102 sends a digital video to MPS 106, MPS 102 reads the profile and proceeds to adapt the resolution and image size parameters of the digital video to take advantage of the HDTV capability of MPS 106. Ex. 1002, 6:40–46. MPS 102 then pushes the adapted digital video to MPS 106 over media exchange network 100. Ex. 1002, 6:46–48. Karaoguz discloses that the adapted digital video may be pushed via channels. Ex. 1002, 6:37–59.

Seaman (Exhibit 1004)

Seaman describes a device that is capable of delivering a video-on-demand feed to an input of a TV set. Ex. 1004 ¶ 11. Figure 1 of Seaman is reproduced below.

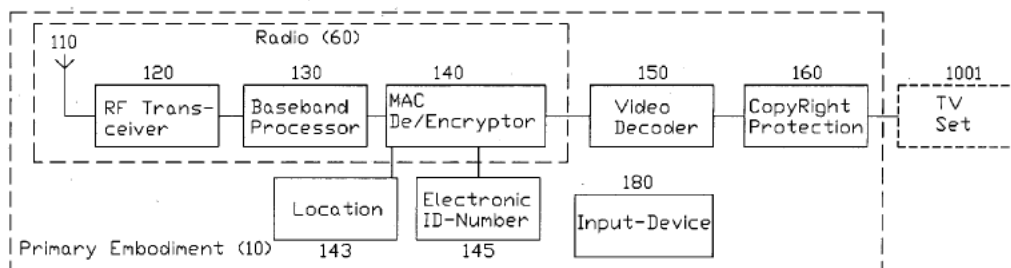


Fig 1

Figure 1 illustrates a primary embodiment 10 of the device. Ex. 1004 ¶ 17. Primary embodiment 10 comprises radio 60 and video decoder 150. Ex. 1004 ¶¶ 22-23. Radio 60 changes a wireless encrypted video data stream into an unencrypted video data stream. Ex. 1004 ¶ 22. “A video decoder (**150**) decodes the unencrypted data stream into a standard video format that TV set (**1001**) or monitor can display.” Ex. 1004 ¶ 0023. Copyright protection circuit 160 adds copyright protection to the signal,

which then is sent to TV set 1001. *Id.* Seaman discloses various coding schemes that may be used:

Coding and de-coding of video is described. MPEG is a coding scheme that has the advantage of reducing the size of the required data stream, thus reducing the required minimum size of the data link. There are variants of MPEG that can be used that are within the scope of this invention such as MPEG-2, MPEG-3, MPEG-4 etc. Also there are other types of encoding that can be used and still be within the scope of this invention. A non-exhaustive list includes NTSC, PAL, SECAM, HDTV, SDTV, RGB, YcbCr, YpbPr, S-Video, CVBS, SDI, HDMI, and DVI.

Ex. 1004 ¶ 47.

Analysis

Claim 58 depends from claim 55, which depends from independent claim 15. Claim 63 depends from claim 62, which depends from independent claim 15. Accordingly, a proper analysis of claims 58 and 63 includes an analysis of underlying claims 15, 55, and 62.

As required by independent claim 15, Karaoguz discloses a wireless terminal apparatus with the recited memory and processor in the form of personal computer (“PC”) 101. PC 101 receives multimedia content at home 104 from a source located outside a designated location, i.e., Internet infrastructure 115, through broadband access headend 109, which, because Karaoguz discloses it may include a satellite headend, would include a structure corresponding to the recited wireless communication network.

Ex. 1003, 3:65–4:4, Fig. 1. Karaoguz also discloses that MPS 102, located at home 104, pushes adapted digital video to MPS 106 over media exchange

network 100. Ex. 1003, 6:46–48. Independent claim 15 further recites converting the multimedia content item for reproduction according to a determined signal format of the destination device. Karaoguz discloses that when MPS 102 sends a digital video to MPS 106, MPS 102 adapts the resolution and image size parameters of the digital video to take advantage of the HDTV capability of MPS 106. Ex. 1003, 6:40–46. Independent claim 15 additionally recites sending the converted multimedia content item to the destination device, wherein the destination device is a television. MPS 106 may include at least one of a set-top box, a PC, and a TV. Ex. 1003, 4:56–60. Independent claim 15 also recites establishing a predetermined channel operatively in communication with the destination device. Karaoguz discloses that the adapted digital video may be pushed via channels. Ex. 1003, 6:37–59. Based on the present record, we are persuaded similarly that Karaoguz discloses every limitation of claims 55 and 62.

Claim 58 additionally recites “wherein the predetermined processing category prompts routing to the television through an HDMI input of the television.” Seaman discloses that the signal from video decoder 150 that is output to TV set 1001 is in “a standard video format that a TV set (**1001**) or monitor can display” (Ex. 1004 ¶ 23), such as “NTSC, PAL, SECAM, HDTV, SDTV, RGB, YcbCr, YpbPr, S-Video, CVBS, SDI, HDMI, HDCP and all their variants” (Ex. 1004 at claim 7 (emphasis added)). Thus, Seaman discloses that the interface between device 10 and TV set 1001 can

be a “high definition multimedia interface (HDMI),” as required by claim

58. Petitioner further asserts the following:

2. **HDMI**

With respect to challenged claims 58 and 63, a person of ordinary skill in the art would have been motivated to further modify the combined teachings of Karaoguz and Palin with the teachings of Seaman that disclose HDMI for connection to an alternative display terminal. Converting a video signal into an HDMI compatible signal and/or then delivering that signal over an HDMI cable would have been obvious to a person of ordinary skill in the art at the time of the alleged invention. In one embodiment, Karaoguz discloses taking advantage of the HDTV capability of the disclosed system: “The MPS 102 then pushes the adapted channel with the adapted digital video media to the MPS 106 over the media exchange network. As a result, the user of the MPS 106 at the 2nd home 108 may view the adapted digital video file while taking advantage of the maximum display capability (i.e., the HDTV capability) of the MPS 106.” Ex. 1002, 6:46-52; *see also* ’398 Decision at 12 *citing* Ex. 1002, 6:34-36. It would have been obvious to a person of ordinary skill in the art at the time of the alleged invention to use Seaman’s HDMI teachings to take advantage of the HDTV capability of Karaoguz. Moreover, given the capabilities of HDMI and increasing interest and use of that technology in the timeframe leading up to the filing of the ’398 patent, a person of ordinary skill in the art would have been motivated to use it to provide a video signal. Given that the features and limitations of using HDMI would have been well understood to a person of ordinary skill in the art and the industry was already moving towards mandatory usage of HDMI in televisions, such a person would have been motivated to use it as an alternative to other technologies. Implementing the use of HDMI would not have required undue experimentation for one skilled in the art; HDMI and how to use it for delivery of video signals was knowledge that one

skilled in the art would have possessed. One skilled in the art would have a high degree of success in combining the prior art references to develop the claimed technology. Ex. 1005 ¶¶ 199-200; *see also id.* ¶¶ 45-119. Thus, further modifying the system of Karaoguz (in view of Palin) with the HDMI taught by Seaman and called for in claims 58 and 63 would have been obvious to a person of ordinary skill in the art at the time of the alleged invention.

Pet. 22–23. We are persuaded by Petitioner’s reasoning. Thus, on this record, we are persuaded it would have been obvious to modify Karaoguz to include such a limitation. We are persuaded similarly that, based on the record before us, the combination of Karaoguz and Seaman discloses every limitation of claim 63.

Conclusion

On this record, we are persuaded that Petitioner has demonstrated a reasonable likelihood of succeeding in its challenge to claims 58 and 63 as obvious over Palin, Karaoguz, and Seaman.

C. Joinder with IPR2013-00571

Petitioner included a Motion for Joinder under 37 C.F.R. § 42.122, requesting that this proceeding be joined with IPR2013-00571. Paper 3. The Motion for Joinder was filed within one month after institution of a trial in IPR2013-00571, as required by 37 C.F.R. § 42.122(b). Patent Owner filed an Opposition to Joinder. Paper 8. The AIA permits joinder of parties in like review proceedings. The statutory provision governing joinder of *inter partes* review proceedings is 35 U.S.C. § 315(c), which provides:

(c) JOINDER.—If the Director institutes an inter partes review, the Director, in his or her discretion, may join as a party to that

inter partes review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an inter partes review under section 314.

35 U.S.C. § 315(b) bars institution of a petition for *inter partes* review when the petition is filed more than one year after the petitioner (or the petitioner's real party-in interest or privy) is served with a complaint alleging infringement of the patent. 35 U.S.C. § 315(b); 37 C.F.R. § 42.101(b). However, the one-year time bar does not apply to a request for joinder. 35 U.S.C. § 315(b) (final sentence) (“[t]he time limitation set forth in the preceding sentence shall not apply to a request for joinder under subsection (c)”) ; 37 C.F.R. § 42.122(b). Petitioner was served with a complaint asserting infringement of the '398 Patent more than one year before filing this Petition.¹ Thus, absent joinder of this proceeding with IPR2013-00571, the Petition would be barred.

Joinder may be authorized when warranted, but the decision to grant joinder is discretionary. 35 U.S.C. § 315(c); 37 C.F.R. § 42.122(b). When exercising that discretion, the Board is mindful that patent trial regulations, including the rules for joinder, must be construed to secure the just, speedy, and inexpensive resolution of every proceeding. 37 C.F.R. § 42.1(b).² As

¹ Petitioner was served with a complaint alleging infringement of the '398 Patent on October 23, 2012. Motion for Joinder, 1. Petitioner filed its Petition in the instant proceeding on March 28, 2014.

² 35 U.S.C. § 316(b) (“In prescribing regulations under this section, the

indicated in the legislative history, the Board will determine whether to grant joinder on a case-by-case basis, taking into account of the particular facts of each case. *See* 157 Cong. Rec. S1376 (daily ed. Mar. 8, 2011) (statement of Sen. Kyl) (when determining whether and when to allow joinder, the Office may consider factors including the breadth or unusualness of the claim scope, claim construction issues, and consent of the patent owner).

Patent Owner argues in its Opposition that Section 315(c) addresses joinder of a party, and not the joinder of additional grounds by the same party. Opposition 10–11. We note that the Board already has allowed joinder of additional grounds by the same party. *See, e.g., Microsoft Corp. v. Proxyconn, Inc.*, Case IPR2013-00109 (PTAB Feb. 24, 2013) (Paper 15); *Ariosa Diagnostics, Inc. v. Isis Innovation Ltd.*, Case IPR2013-00250 (PTAB Sept. 3, 2013) (Paper 24); *ABB Inc. v. Roy-G-Biv Corp.*, Case IPR2013-00286 (PTAB Aug. 9, 2013) (Paper 14); *Sony Corp. v. Yissum Research Dev. Co. of the Hebrew Univ. of Jerusalem*, Case IPR2013-00327 (PTAB Sept. 24, 2013) (Paper 15). Independent of the authority conferred by Section 315(c), 35 U.S.C. § 315(d) is the statutory provision governing multiple proceedings or matters before the Office, and reads as follows:

(d) MULTIPLE PROCEEDINGS.—Notwithstanding sections 135(a), 251, and 252, and chapter 30, during the pendency of an inter partes review, if another proceeding or matter involving

Director shall consider the effect of any such regulation on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings instituted under this chapter.”)

the patent is before the Office, the Director may determine the manner in which the *inter partes* review or other proceeding or matter may proceed, including providing for stay, transfer, consolidation, or termination of any such matter or proceeding.

37 C.F.R. § 42.122(a) provides further that “[w]here another matter involving the patent is before the Office, the Board may during the pendency of the *inter partes* review enter any appropriate order regarding the additional matter including providing for the stay, transfer, consolidation, or termination of any such matter.” As noted above, the Board’s rules for AIA proceedings “shall be construed to secure the just, speedy, and inexpensive resolution of every proceeding.” 37 C.F.R. § 42.1(b); *see* Office Patent Trial Practice Guide, 77 Fed. Reg. at 48,758.

At a minimum, the instant Petition is a matter before the Office involving the same patent as in IPR2013-00571. Accordingly, for the same reasons we exercise our discretion under Section 315(c), the analysis of which is set forth below, we concurrently exercise our discretion under Section 315(d) and consolidate this matter with pending IPR2013-00571, which involves the same patent.

Joinder of this proceeding with IPR2013-00571 will not delay unduly the resolution of either proceeding, but will help “secure the just, speedy, and inexpensive resolution” of these proceedings. *See* 37 C.F.R. § 42.1(b). For example, the only additional subject matter added by claims 58 and 63 to the subject matter of the claims for which a trial already has been instituted in IPR2013-00571 is HDMI, for which the Petition cites the Seaman reference. The relevance of Seaman with respect to HDMI is

Case IPR2014-00557
Patent 8,135,398 B2

addressed already in the context of trials concerning the unpatentability of certain claims in related proceedings IPR2013-00569 (claim 27 of related U.S. Patent No. 8,145,268 B2) and IPR2013-00570 (claims 19 and 33 of related U.S. Patent No. 8,224,381 B2). Accordingly, the minimal additional amount of work required on the part of Patent Owner to address claims 58 and 63 of the '398 Patent is strongly outweighed by the public interest in having consistency of outcome concerning similar sets of claimed subject matter and prior art.

Moreover, to minimize prejudice to Patent Owner, we already have adjusted the Scheduling Order in IPR2013-00571 such that the Patent Owner Response is due on July 7, 2014, more than two months after the original due date of May 6, 2014, and more than three weeks after the institution of a trial in this proceeding.

To further minimize prejudice to Patent Owner, we also order Petitioner to pay all future costs associated with making Dr. Almeroth available for cross-examination at a location convenient to counsel for Patent Owner.

We, therefore, conclude that there is no discernible prejudice either to Patent Owner or Petitioner from joining this proceeding with IPR2013-00571. We also conclude that Petitioner has met its burden of demonstrating that joinder with IPR2013-00571 is warranted under the circumstances.

III. CONCLUSION

For the foregoing reasons, we determine that the information presented in the Petition establishes that there is a reasonable likelihood that Petitioner would prevail in establishing the unpatentability of claims 58 and 63 of the '398 Patent.

The Board has not made a final determination on the patentability of any challenged claims.

IV. ORDER

Accordingly, it is

ORDERED that pursuant to 35 U.S.C. § 314, an *inter partes* review is hereby instituted as to claims 58 and 63 of the '398 Patent as unpatentable under 35 U.S.C. § 103(a) as obvious over Palin, Karaoguz, and Seaman.

FURTHER ORDERED that pursuant to 35 U.S.C. § 314(d) and 37 C.F.R. § 42.4, notice is hereby given of the institution of a trial; the trial commencing on the entry date of this Order;

FURTHER ORDERED that this proceeding is joined with Case IPR2013-00571;

FURTHER ORDERED that any and all further filings in the joined proceedings shall be made only in Case IPR2013-00571;

FURTHER ORDERED that the case caption in Case IPR2013-00571 shall be changed to reflect the joinder with this proceeding in accordance with the attached example;

FURTHER ORDERED that a copy of this Decision be entered into the file of Case IPR2013-00571; and

Case IPR2014-00557
Patent 8,135,398 B2

FURTHER ORDERED that Petitioner will pay all future costs associated with making Dr. Almeroth available for cross-examination at a location convenient to counsel for Patent Owner.

Case IPR2014-00557
Patent 8,135,398 B2

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Case IPR2014-00557
Patent 8,135,398 B2

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Case IPR2013-00571³
Patent 8,135,398 B2

³ Case IPR2014-00557 has been joined with this proceeding.