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Paper 14 (CBM2015-00015)
Paper 14 (CBM2015-00016)
Paper 13 (CBM2015-00017)
Paper 9 (CBM2015-00018)
Entered: December 8, 2014

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMARTFLASH LLC,
Patent Owner.

CBM2015-00015 (Patent 8,118,221 B2)
CBM2015-00016 (Patent 8,033,458 B2)
CBM2015-00017 (Patent 8,061,598 B2)
CBM2015-00018 (Patent 7,942,317 B2)¹

Before JENNIFER S. BISK, RAMA G. ELLURU, JEREMY M.
PLENZLER, and MATTHEW R. CLEMENTS,
Administrative Patent Judges.

PLENZLER, *Administrative Patent Judge.*

ORDER

¹ This order addresses issues that are the same in all identified 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.

CBM2015-00015 (Patent 8,118,221 B2)
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A teleconference was held on Friday, December 5, 2014, among Steven Baughman, Ching-Lee Fukuda, and Megan Raymond representing Petitioner; Michael Casey and Scott Davidson, representing Patent Owner; and Judges Bisk, Elluru, Plenzler, and Clements.

Both Petitioner and Patent Owner requested the teleconference. Petitioner requested the teleconference to seek authorization to file additional briefing on the issue of whether the challenged claims are directed to ineligible subject matter under 35 U.S.C. § 101 in view of the Federal Circuit's decision in *Ultramercial, Inc. v. Hulu, LLC*, ___ F.3d ___, No. 2010-1544, slip op. (Fed. Cir. Nov. 14, 2014). Given the panel's familiarity with the case, we denied the request.

Patent Owner requested the teleconference to seek permission to file short motions requesting that the PTAB reject the Petitioner's corrected petitions in CBM2015-00015, CBM2015-00016, and CBM2015-00017 filed on November 21 ("the Corrected Petitions") and order Petitioner to show cause why trial should be instituted in light of the defects identified in the Notice of Filing Date and the Corrected Petitions. Patent Owner objected to the current December 15, 2014 due dates for the Patent Owner Preliminary Responses in the above identified cases, arguing that the Corrected Petitions include significant changes. The panel is deliberating the current Scheduling Order for CBM2015-00015, CBM2015-00016, and CBM2015-00017, as well as CBM 2015-00018, and will issue a revised schedule. The revised schedule will set a due date of January 15, 2015, or later, for the Preliminary Patent Owner Responses in these cases.

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It is:

ORDERED that Petitioner is not authorized to file additional briefing on the issue of whether the challenged claims are directed to ineligible subject matter under 35 U.S.C. § 101;

FURTHER ORDERED that Patent Owner is not authorized to file motions requesting that the PTAB reject the Corrected Petitions and order Petitioner to show cause why trial should be instituted; and

FURTHER ORDERED that the due dates for the Preliminary Patent Owner Responses in CBM2015-00015, CBM2015-00016, CBM2015-00017, and CBM 2015-00018 are revised to no earlier than January 15, 2015.

CBM2015-00015 (Patent 8,118,221 B2)
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CBM2015-00017 (Patent 8,061,598 B2)
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PETITIONER:

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