

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC. and
INSTAGRAM, LLC,
Petitioner,

v.

TLI COMMUNICATIONS, LLC,
Patent Owner.

Case IPR2015-00778
Patent 6,038,295

Before JAMESON LEE, BART A. GERSTENBLITH, and
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

On June 16, 2015, the United States Court of Appeals for the Federal Circuit issued an *en banc* opinion in *Williamson v. Citrix Online, LLC*, No. 2013-1130, 2015 WL 3687459 (Fed. Cir. June 16, 2015), which modified the preexisting law regarding when to regard a claim recitation as a means-plus-function element under 35 U.S.C. § 112, sixth paragraph. We seek additional briefing from the parties addressing whether, in light of *Williamson*, the term “telephone unit” in claim 17 of U.S. Patent No. 6,038,295 should be read as a means-plus-function element under 35 U.S.C. § 112, sixth paragraph. If either Petitioner or Patent Owner, or both, regard “telephone unit” as a means-plus-function element, the corresponding structure, material, or acts described in the specification for that means-plus-function element should also be identified in the additional briefing.

It is

ORDERED that Petitioner makes its submission, limited to five pages not including the cover sheet or certificate of service, by July 31, 2015;

FURTHER ORDERED that Patent Owner makes its submission, also limited to five pages not including the cover sheet or certificate of service, within five business days of the filing of Petitioner’s submission; and

FURTHER ORDERED that no additional evidence should be submitted.

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Patent 6,038,295

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