

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC. and SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

SUMMIT 6 LLC,
Patent Owner.

Case IPR2015-00806¹
Patent 7,765,482 B2

Before GEORGIANNA W. BRADEN and KERRY BEGLEY,
Administrative Patent Judges.

BEGLEY, *Administrative Patent Judge.*

ORDER

Lifting Stay of *Ex Parte* Reexamination Control No. 90/012,987
35 U.S.C. § 315(d); 37 C.F.R. §§ 42.3, 42.122

¹ Samsung Electronics Co., Ltd., who filed a Petition in IPR2016-00029, has been joined as a petitioner in the instant proceeding.

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On October 7, 2015, the panel issued an order granting the motion of Summit 6 LLC (“Patent Owner”) to stay *Ex Parte* Reexamination Control No. 90/012,987 (“Reexamination”), a co-pending proceeding before the Board involving claims 38, 40, 44–46, and 49 of the patent at issue in this *inter partes* review, U.S. Patent No. 7,765,482 B2 (“’482 patent”). Paper 26. In particular, we stayed the Reexamination “pending the termination or completion of the instant proceeding.” *Id.* at 6.

On September 6, 2016, we entered a Final Written Decision holding that Petitioner Google Inc. and Samsung Electronics Co., Ltd. had established, by a preponderance of the evidence, that claims 12, 13, 16, 18, 19, 21–25, 35–38, 40–42, 44–46, and 49 of the ’482 patent are unpatentable. Paper 63, 71. Patent Owner appealed the Final Written Decision to the U.S. Court of Appeals for the Federal Circuit. Papers 68, 70.

On December 7, 2017, the Federal Circuit issued a judgment affirming the Final Written Decision. *Summit 6, LLC v. Google LLC*, No. 17-1184 (Fed. Cir. Dec. 7, 2017) (Judgment). On January 16, 2018, the Federal Circuit issued the mandate to the Office. *Summit 6, LLC v. Google LLC*, No. 17-1184 (Fed. Cir. Jan. 16, 2018) (Mandate). The deadline for Patent Owner to petition for a writ of certiorari to the U.S. Supreme Court expired on March 7, 2018. *See* SUP. CT. R. 13.

Therefore, it is now appropriate to lift the stay of the Reexamination.

ORDER

Accordingly, it is:

ORDERED that the stay of *Ex Parte* Reexamination Control No. 90/012,987 is hereby lifted; and

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FURTHER ORDERED that all time periods in *Ex Parte*
Reexamination Control No. 90/012,987 are restarted.

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