

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION,
Petitioner,

v.

APPLICATIONS IN INTERNET TIME, LLC,
Patent Owner.

IPR2015-01750
Patent 8,484,111 B2

IPR2015-01751
IPR2015-01752
Patent 7,356,482 B2¹

Before LYNNE E. PETTIGREW and MITCHELL G. WEATHERLY,
Administrative Patent Judges.

PETTIGREW, *Administrative Patent Judge.*

ORDER

Authorizing Petitioner's Motion to Stay and Patent Owner's Opposition
37 C.F.R. §§ 42.5, 42.20

¹ This Order will be entered in each case.

IPR2015-01750 (Patent 8,484,111 B2)
IPR2015-01751, IPR2015-01752 (Patent 7,356,482 B2)

These three proceedings are on remand from the U.S. Court of Appeals for the Federal Circuit. On April 30, 2020, Petitioner, RPX Corporation, contacted the Board by email requesting a conference call to seek authorization to file a motion to stay the proceedings. Petitioner indicated that in view of the recent Supreme Court decision in *Thryv, Inc. v. Click-to-Call Technologies*, No. 18-916 (Apr. 20, 2020), holding that the Board's decisions on the application of the time limit of 35 U.S.C. § 315(b) are not appealable, RPX planned to file a motion with the Federal Circuit to recall the mandate, vacate the court's judgment, and reinstate the appeal from the Board's Final Written Decisions in these proceedings. The email also indicated that Patent Owner, Applications in Internet Time, LLC, would oppose the request. Petitioner notified the Board in a second email that RPX filed its planned motion to recall the mandate on May 4, 2020.

On May 5, 2020, Judges Pettigrew and Weatherly held a conference call with counsel for the parties to discuss Petitioner's request for authorization to file a motion to stay. A court reporter engaged by Petitioner was also on the call. Petitioner will file the reporter's transcript as an exhibit promptly when it becomes available. The transcript will serve as a record of the parties' arguments regarding Petitioner's request.

After hearing the parties' oral submissions, we advised the parties that we would grant Petitioner's request and authorize briefing on a motion to stay.

It is:

ORDERED that Petitioner's request for authorization to file a motion to stay each of these proceedings on remand is *granted*;

IPR2015-01750 (Patent 8,484,111 B2)
IPR2015-01751, IPR2015-01752 (Patent 7,356,482 B2)

FURTHER ORDERED that Petitioner's motion will be due on May 12, 2020, and is limited to five pages;

FURTHER ORDERED that Patent Owner is authorized to file an opposition to Petitioner's motion, due on May 19, 2020, and limited to five pages; and

FURTHER ORDERED that the parties may use the caption appearing above for the filings made pursuant to this Order.

FOR PETITIONER:

Richard F. Giunta
Elisabeth H. Hunt
Randy J. Pritzker
Michael N. Rader
WOLF, GREENFIELD & SACKS, P.C.
RGiunta-PTAB@wolfgreenfield.com
EHunt-PTAB@wolfgreenfield.com
RPritzker@wolfgreenfield.com
MRader-PTAB@wolfgreenfield.com

FOR PATENT OWNER:

Steven Sereboff
Jonathan Pearce
SOCAL IP LAW GROUP LLP
ssereboff@socalip.com
jpearce@socalip.com