

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KINGSTON TECHNOLOGY COMPANY, INC.,
Petitioner,

v.

POLARIS INNOVATIONS LIMITED,
Patent Owner.

IPR2016-01621
Patent 6,438,057 B2

Before SCOTT R. BOALICK, *Chief Administrative Patent Judge*.

BOALICK, *Chief Administrative Patent Judge*.

ORDER

On September 15, 2021, the United States Court of Appeals for the Federal Circuit issued an order in the appeal of this case remanding the case to the Office “for the limited purpose of allowing the parties to seek further action by the Director.” *Polaris Innovations Ltd. v. Kingston Technology Co.*, No. 2018-1768, ECF No. 136, at 2 (Fed. Cir. Sept. 15, 2021).

On October 13, 2021, Polaris Innovations Limited (“Patent Owner”) sent an email to the Board requesting to file, in agreement with Petitioner Kingston Technology Company, Inc., *inter alia*, a motion to terminate the proceeding.

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Ex. 3002.¹ The Board denied that request on October 29, 2021, in an order that also permitted Patent Owner to file a request for Director review within 14 days of the order. Paper 38. The order explained, “[i]f Patent Owner does not file a request for Director review within the allotted time, then the Board’s final written decision will remain the final agency decision.” *Id.* at 2–3. Patent Owner did not file a request for Director review within the allotted time.

Accordingly, it is:

ORDERED that Patent Owner has forfeited any request for Director review;
and

FURTHER ORDERED that the Board’s final written decision remains the final agency decision.

¹ Patent Owner’s email also references IPR2016-01622 and IPR2017-00116. Patent Owner, however, subsequently requested Director review in those cases. IPR2016-01622, Ex. 3100; IPR2017-00116, Ex. 3100.

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For PETITIONER:

David Hoffman
FISH & RICHARDSON P.C.
hoffman@fr.com
IPR37307-0007IP1@fr.com

Martha Hopkins
LAW OFFICES OF S.J. CHRISTINE YANG
mhopkins@sjckawpc.com
IPR@sjclawpc.com

For PATENT OWNER:

Kenneth Weatherwax
Nathan Lowenstein
Parham Hendifar
LOWENSTEIN & WEATHERWAX LLP
weatherwax@lowensteinweatherwax.com
lowenstein@lowensteinweatherwax.com
hendifar@lowensteinweatherwax.com