

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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APPLE INC., FACEBOOK, INC., and WHATSAPP, INC.,<sup>1</sup>  
Petitioner,

v.

UNILOC LUXEMBOURG S.A.,  
Patent Owner.

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Case IPR2017-00222  
Patent 8,243,723 B2

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Before JENNIFER S. BISK, MIRIAM L. QUINN, and  
CHARLES J. BOUDREAU, *Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

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

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<sup>1</sup> Facebook, Inc. and WhatsApp, Inc., filed a petition and motion for joinder in IPR2017-01635, which we granted, and, thus, these entities are joined, as Petitioner, to this proceeding. Paper 12.

On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at \*10 (U.S. Apr. 24, 2018). In our Decision on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one of the challenged claims of the '723 patent is unpatentable. *Decision on Institution*, Paper 7 (May 25, 2017). We modify our Decision on Institution to institute on all of the challenged claims and all of the grounds presented in the Petition, which are as follows:

<b>Challenged Claim(s)</b>	<b>Basis</b>	<b>Reference(s)</b>
1	§ 103(a)	Vuori
2-7	§ 103(a)	Vuori and Malik
8	§ 103(a)	Vuori, Malik, and Lerner
1-7	§ 103(a)	Stubbs and Abburi
8	§ 103(a)	Stubbs and Lerner

The panel held a conference call with the parties on May 2, 2018, to discuss the modification of institution and whether the parties would seek supplemental briefing. Subsequent to the conference call, the parties communicated to the panel that they forgo further briefing.

In consideration of the foregoing, it is hereby:

ORDERED that our institution decision is modified to include review of all challenged claims and all grounds presented in the Petition; and

FURTHER ORDERED that in accordance with the parties' waiver of further briefing, no filings are authorized at this time.

IPR2017-00222  
Patent 8,243,723 B2

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