

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIPTELA, INC.,
Petitioner,

v.

FATPIPE NETWORKS PRIVATE LIMITED,
Patent Owner.

Case IPR2017-00684
Patent 6,775,235 B2

Before STACEY G. WHITE, MICHELLE N. WORMMEESTER, and
CHRISTA P. ZADO, *Administrative Patent Judges*.

CHRISTA P. ZADO, *Administrative Patent Judge*.

ORDER

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

On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on less 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 U.S. Patent No. 6,775,235 B2 is unpatentable. Paper 8, 3, 18–19. However, we did not institute as to all challenged claims and all grounds presented in the Petition. *Id.* at 19; Paper 4 (Petition). We modify our institution decision to include review of all the challenged claims and all the grounds presented in the Petition.

The Parties shall confer to discuss the impact, if any, of this Order on the current schedule. If, after conferring, the parties wish to submit further briefing, the parties must, within one week of the date of this Order, request a conference call with the panel to seek authorization for such 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 Petitioner and Patent Owner shall confer to determine whether they desire any further briefing, and, if so, shall request a conference call with the panel to seek authorization for such briefing within one week of the date of this Order.

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Patent 6,775,235 B2

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