

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FRIENDFINDER NETWORKS INC., STREAMRAY INC., WMM, LLC,
WMM HOLDINGS, LLC, AND MULTI MEDIA, LLC,

DUODECAD IT SERVICES LUXEMBOURG S.À R.L., ACCRETIVE
TECHNOLOGY GROUP, INC., ICF TECHNOLOGY, INC., RISER APPS
LLC, and StreamMe, INC. (f/k/a VUBEOLOGY, INC.)¹

v.

WAG ACQUISITION, LLC,
Patent Owner.

Case IPR2017-00784 (Patent 8,364,839 B2)
Case IPR2017-00785 (Patent 8,364,839 B2)
Case IPR2017-00786 (Patent 8,122,141 B2)
Case IPR2017-00820 (Patent 8,122,141 B2²)

GLENN J. PERRY, TREVOR M. JEFFERSON, BRIAN J. McNAMARA,
and PATRICK M. BOUCHER, *Administrative Patent Judges*.

PERRY, *Administrative Patent Judge*.

CONDUCT OF THE PROCEEDING
37 C.F.R. § 42.5

¹ StreamMe, Inc. (f/k/a Vubeology, Inc.) is a Petitioner in IPR2016-00820 only.

² This Order addresses issues that are identical in related cases. Therefore, we exercise our discretion to issue one order to be filed in each case. The parties, however, are not authorized to use this style heading in any subsequent papers.

IPR2017-00784; IPR2017-00785; IPR2017-00786; IPR2017-00820
Patent 8,364,839 B2; 8,211,141 B2

On December 27, 2016, we instituted *inter partes* review in *WebPower, Inc. v. WAG Acquisition LLC*, Case IPR2016-01239, which concerns U.S. Patent No. 8,364,839 B2 (“the ’839 Patent”). On January 4, 2017, we instituted in *WebPower, Inc. v. WAG Acquisition LLC*, Case IPR2016-01238, which concerns U.S. Patent 8,122,141 B2 (“the ’141 Patent”).

In IPR2017-00785 Duodecad IT Services Luxembourg S.À R.L., Accretive Technology Group, Inc., ICF Technology, Inc., and Riser Apps LLC (“Duodecad”) filed a Petition asserting substantially the same grounds against the ’839 Patent as those on which we instituted trial in IPR2016-01239. In IPR2017-00820 Duodecad and StreamMe, Inc. (f/k/a Vubeology, Inc.) (“StreamMe”), filed a Petition asserting substantially the same grounds against the ’141 Patent as those on which we instituted trial in IPR2016-01238. IPR2017-00820 was accorded a filing date of Jan. 31, 2017. IPR2017-00785 was accorded a filing date of Jan. 27, 2017. Duodecad moved to join IPR2017-00785 to IPR2016-01239. Duodecad and StreamMe, moved to join IPR2017-00820 to IPR2016-01238.

Similar petitions and motions for joinder have been filed by FriendFinder Networks Inc., Streamray Inc., WMM, LLC, WMM Holdings, LLC, and Multi Media, LLC (“FriendFinder”). FriendFinder moved to join IPR2017-00784 with IPR2016-01239 and to join IPR2017-00786 with IPR2016-01238.

During a telephone conference held on February 6, 2017, WAG Acquisition, LLC (“Patent Owner”) stated that it plans to oppose all motions for joinder. During the conference, we discussed a briefing schedule to accommodate a decision on the joinder motions without significantly

IPR2017-00784; IPR2017-00785; IPR2017-00786; IPR2017-00820
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affecting the schedules in IPR2016-01238 and IPR2016-01239. It was agreed that Patent Owner would file its opposition by February 20, 2017 and that FriendFinder and Duodecad (and StreamMe in IPR2016-00820) would file its reply within five days. Following that conference call, we issued an ORDER authorizing Patent Owner to file Oppositions to the Motions for Joinder, which Patent Owner has now filed.

Patent Owner has not yet filed any Preliminary Response in IPR2017-00784, IPR2017-00785, IPR2017-00786, and IPR2017-00820. In order for the panels to decide the Motions for Joinder, it must consider any Preliminary Amendment filed by Patent Owner. We now set a shortened time limit for receiving any such Preliminary Response.

In consideration of the above it is

ORDERED that Patent Owner must file any Preliminary Amendment or waive filing a Preliminary Amendment in each of the captioned cases by Monday, March 20, 2017. Failure to file a Preliminary Amendment will be regarded as a waiver of filing.

PETITIONER:

Kevin O'Brien
Richard Wells
Matt Dushek
BAKER & MCKENZIE LLP
kevin.obrien@bakermckenzie.com
richard.wells@bakermckenzie.com
matt.dushek@bakermckenzie.com

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Brain Bodine
Alan Minsk
LANE POWELL PC
bodineb@lanepowell.com
minska@lanepowell.com

PATENT OWNER:

Ronald Abramson
LEWIS BAACH PLLC
ronald.abramson@lewisbaach.com

Ernest D. Buff
ERNEST D. BUFF & ASSOCIATES, L.L.C.
ebuff@edbuff.com