

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TWITTER, INC.,

Petitioner

v.

YOUTOO TECHNOLOGIES, LLC,

Patent Owner

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Case IPR2017-01131

U.S. Patent No. 8,464,304

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**PATENT OWNER'S MOTION FOR STAY**

Case IPR2017-001131  
Patent Owner's Motion for Stay

### **LIST OF EXHIBITS**

2001      Official Notice of Bankruptcy Case Filing, U.S. Bankruptcy Court for  
the Western District of Oklahoma, Case No., 17-14849 (filed  
November 30, 2017)

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Pursuant to 37 C.F.R. § 42.20(b) and the Board's Order on the conduct of the proceedings entered on December 7, 2017, authorizing this motion, Patent Owner hereby moves for a stay of the above-captioned proceeding.

On November 30, 2017, Patent Owner filed a petition under 11 U.S.C. Section 301 for Chapter 7 bankruptcy in Case No. 17-14849 in the U.S. Bankruptcy Court for the Western District of Oklahoma. (Ex. 2003) Pursuant to 11 U.S.C. §362(a) (emphasis added):

Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title ... operates as a stay, applicable to all entities, of—

(1) the commencement or continuation ... of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title....

The Patent Trial and Appeal Board is part of the Patent and Trademark Office, which is an administrative agency, and oversees administrative proceedings, including *Inter Partes* Reviews (“IPRs”), see 35 U.S.C. §§1 & 6. IPRs are thus administrative proceedings that are subject to 11 U.S. Code §362(a) (1). The Patent Owner Youtoo Technologies, LLC in the present IPR is the debtor in the bankruptcy petition. While 11 U.S.C. §362(b) sets forth exceptions to the automatic stay provisions of 11 U.S.C. §362(a) (e.g., for criminal proceedings and certain actions or proceedings pertaining to family law issues), none of the exceptions apply here. Accordingly, the filing of the bankruptcy petition operates

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as an automatic stay of the continuation of the above-captioned *Inter Partes*  
Review.

Moreover, pursuant to 11 U.S.C. §362(c)(2):

the stay of any other act under subsection (a) of this section continues until  
the earliest of—

- (A) the time the case is closed;
- (B) the time the case is dismissed; or
- (C) if the case is a case under chapter 7 of this title concerning an individual or a case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied....

Accordingly, Patent Owner respectfully requests that the Board grant a stay  
pending closing or dismissal of the bankruptcy, or lifting of the stay by the  
Bankruptcy Court.

Respectfully submitted,

Dated: December 13, 2017

/Spencer C. Patterson/  
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**CERTIFICATE OF SERVICE**

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing "Patent Owner's Motion for Stay" by electronic means on December 13, 2017 at the following email addresses of record:

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