

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER, INC.,
Petitioner,

v.

STI-ACQ, LLC,¹
Patent Owner.

Case IPR2017-00829 (Patent 9,083,997 B2)
Case IPR2017-00830 (Patent 9,083,997 B2)
Case IPR2017-01131 (Patent 8,464,304 B2)
Case IPR2017-01133 (Patent 8,601,506 B2)²

Before SALLY C. MEDLEY, CHARLES J. BOUDREAU, and
JESSICA C. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

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

¹ On May 7, 2018, new mandatory notices were filed indicating that STI-ACQ LLC is now the Patent Owner and real party in interest in these proceedings. IPR2017-00829, Paper 37; IPR2017-00830, Paper 38; IPR2017-01131, Paper 37; IPR2017-01133, Paper 34. We have revised the

IPR2017-00829 (Patent 9,083,997 B2)
IPR2017-00830 (Patent 9,083,997 B2)
IPR2017-01131 (Patent 8,464,304 B2)
IPR2017-01133 (Patent 8,601,506 B2)

A conference call in these cases took place on May 3, 2018. The parties were represented by their respective counsel.³ The purpose of the call was to discuss revisions to the Scheduling Order in these proceedings based on the bankruptcy court's order that any stay applicable to these proceedings was lifted no later than April 30, 2018. Ex. 1033.⁴ YouToo Technologies LLC's ("YouToo's") motion for stay (Paper 21) remains pending in each proceeding. In light of the bankruptcy court's order, we dismiss the motion for stay in each proceeding as moot.

During the bankruptcy, the bankruptcy court approved an agreed order to sell certain of YouToo's property, including the patents challenged in these proceedings. Ex. 1029; Ex. 1032. On May 1, 2018, the bankruptcy trustee filed a report of sale indicating the challenged patents have been sold to STI-ACQ LLC ("STI-ACQ" or "Patent Owner"), as assignee of Arundel Ventures, LLC.⁵ IPR2017-001131, Ex. 1032. On May 7, 2018, and consistent with the report of sale, new mandatory notices were filed

caption accordingly, and the parties should use this revised caption in future filings in each proceeding.

² This Order will be entered in each case. The parties are not authorized to use a caption style encompassing multiple proceedings.

³ Spencer C. Patterson represented that he has been retained as back-up counsel for the entity purchasing the patents at issue in these proceedings (i.e., STI-ACQ LLC).

⁴ Unless otherwise specified, we refer to the paper and exhibit numbers in IPR2017-00829. Unless otherwise noted, similar papers and exhibits were filed in the other proceedings.

⁵ This Report of Sale has been filed as an exhibit in IPR2017-01131 and IPR2017-01133, but not IPR2017-00829 or IPR2017-00830.

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indicating that STI-ACQ is now the Patent Owner and real party in interest in these proceedings. IPR2017-00829, Paper 37; IPR2017-00830, Paper 38; IPR2017-01131, Paper 37; IPR2017-01133, Paper 34. No powers of attorney for STI-ACQ have yet been filed in these proceedings.

Because any stay applicable to these proceedings has been lifted, we now consider the schedule on which these cases should proceed. We have extended Due Date 1 several times in these proceedings, including at YouToo's request prior to the bankruptcy (Paper 17) and during the pendency of the bankruptcy (Papers 20, 23, 24, 31). No Patent Owner Response or Motion to Amend has been filed in any of these proceedings.

We directed the parties to meet and confer in advance of our May 3, 2018, conference call regarding needed adjustments to the Scheduling Orders in these cases. The parties reported that they met and conferred, but were unable to reach agreement on a proposed schedule. Petitioner proposed that these proceedings move forward on the same schedule, whereas Patent Owner proposed that IPR2017-00829, -00830 move forward on a slightly accelerated schedule compared to IPR2017-01131, -01133. The parties' proposed schedules have been filed as Exhibits 3004, 3005, 3006, and 3007.

We have considered the parties' proposed schedules in determining the schedule to set in these proceedings. In doing so, we considered that both parties' proposed schedules would require the statutory deadline to be extended for good cause in these proceedings. We also considered that the trustee's motion to sell was filed in the bankruptcy court on March 13, 2018, Petitioner's limited objection to the sale (which specifically mentions these

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proceedings) was filed in the bankruptcy court on April 3, 2018, and the bankruptcy court entered the agreed order granting relief from the automatic stay on April 11, 2018. We further considered Mr. Patterson's statements that STI-ACQ is in the process of retaining counsel for these proceedings.

Taking into account these considerations as well as the parties' explanations of their proposed schedules during our May 3, 2018 conference call, we set the schedule in these proceedings as shown in the Due Date Appendix below. All other portions of the Scheduling Order (Paper 13) remain in force including that the parties may stipulate to different dates for DUE DATES 1 through 5 (earlier or later, but no later than DUE DATE 6).⁶

For the foregoing reasons, it is

ORDERED that Patent Owner's motion for stay in each proceeding is dismissed as moot;

FURTHER ORDERED that Patent Owner shall file updated mandatory notices listing lead and back-up counsel and updated powers of attorney for the lead and back-up counsel listed in those mandatory notices no later than May 18, 2018; and

FURTHER ORDERED that the Scheduling Order (Paper 11) is revised to reflect DUE DATES 1–7 provided in the Due Date Appendix below but is unchanged in all other respects.

⁶ Without express authorization from the panel, the parties may not change DUE DATE 4 with respect to the requirement for requesting oral argument.

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DUE DATE APPENDIX

DUE DATE 1 June 29, 2018

Patent owner's response to the petition

Patent owner's motion to amend the patent

DUE DATE 2 August 10, 2018

Petitioner's reply to patent owner's response to petition

Petitioner's opposition to motion to amend

DUE DATE 3 August 31, 2018

Patent owner's reply to petitioner's opposition to motion to amend

DUE DATE 4 September 14, 2018

Observations regarding cross-examination of reply witness

Motion to exclude evidence

Request for oral argument

DUE DATE 5 September 28, 2018

Response to observation

Opposition to motion to exclude

DUE DATE 6 October 5, 2018

Reply to opposition to motion to exclude

DUE DATE 7 October 19, 2018

Oral argument (if requested)

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