

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.; AND
SAMSUNG ELECTRONICS AMERICA, INC.
Petitioners

v.

IMAGE PROCESSING TECHNOLOGIES, LLC
Patent Owner

IPR2017-01190 (Patent 6,717,518 B1)¹
IPR2017-01218 (Patent 8,983,134 B2)

Before JONI Y. CHANG, MIRIAM L. QUINN, and
SHEILA F. McSHANE, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

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

¹ This Order addresses issues that are identical in each of these 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 without prior authorization.

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IPR2017-01218 (Patent 8,983,134 B2)

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 Decisions on Institution in these proceedings, we determined that Petitioner demonstrated a reasonable likelihood that it would prevail in showing that at least one of the challenged claims of U.S. Patent No. 6,717,518 is unpatentable in IPR2017-01190 and at least one of the challenged claims of U.S. Patent No. 8,983,134 is unpatentable in IPR2017-01218. *See* IPR2017-01190, Paper 11, 26; IPR2017-01218, Paper 11, 29. We modify each of our institution decisions to include all of the challenged claims and all of the grounds presented in the respective Petitions. *See* Guidance on the Impact of SAS on AIA Trial Proceedings (April 26, 2018), available at <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/guidance-impact-sas-aia-trial>.

The parties shall confer to discuss the impact, if any, of this Order on the current schedules. If, after conferring, the parties wish to change the schedules or 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 changes or briefing.

In consideration of the foregoing, it is hereby:

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

FURTHER ORDERED that Petitioner and Patent Owner shall confer to determine whether they desire any changes to the schedules or any further briefing, and, if so, shall request a conference call with the panel to seek

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authorization for such changes or briefing within one week of the date of this
Order.

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