

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TECHNICAL CONSUMER PRODUCTS, INC.,  
NICOR INC., AND AMAX LIGHTING,  
Petitioner,

v.

LIGHTING SCIENCE GROUP CORP.,  
Patent Owner.

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Case IPR2017-01285  
Patent 8,672,518 B2

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Before KEVIN F. TURNER, PATRICK M. BOUCHER, and  
JOHN A. HUDALLA, *Administrative Patent Judges*.

TURNER, *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 the '518 Patent is unpatentable. Paper 10. We

IPR2017-01639  
Patent 8,967,844 B2

modify our institution decision to include all of the challenged claims and all of the grounds presented in the Petition. *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 schedule. If, after conferring, the parties wish to change the schedule 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 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 changes to the schedule or any further briefing, and, if so, shall request a conference call with the panel to seek authorization for such changes or briefing within one week of the date of this Order.

IPR2017-01639  
Patent 8,967,844 B2

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