

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENT INC.,
Petitioner

v.

PLECTRUM LLC,
Patent Owner

IPR2017-01430
Patent 5,978,951

Before KEN B. BARRETT, 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

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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 in this proceeding, we determined that Petitioner demonstrated a reasonable likelihood that it would prevail in showing that at least 1 of the challenged claims of U.S. Patent No. 5,978,951 is unpatentable. Paper 8, 23–24. We 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.

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PETITIONER:

David L. Cavanaugh
Daniel V. Williams
WILMER CUTLER PICKERING HALE AND DORR LLP
david.Cavanaugh@wilmerhale.com
daniel.williams@wilmerhale.com

Roshan Mansinghani
Jonathan Stroud
Unified Patents Inc.
Roshan@unifiedpatents.com
jonathan@unifiedpatents.com

PATENT OWNER:

Zachariah S. Harrington
Larry D. Thompson, Jr.
Matthew J. Antonelli
ANTONELLI, HARRINGTON & THOMPSON LLP
zac@ahtlawfirm.com
larry@ahtlawfirm.com
matt@ahtlawfirm.com