

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS AMERICA, INC.
Petitioner,

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner.

Case IPR2017-01800
Patent 8,243,723 B2

Before JENNIFER S. BISK, MIRIAM L. QUINN, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

QUINN, *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 1 of the challenged claims of the '723 patent is unpatentable. *Decision on Institution*, Paper 8, 24–25. We modify our institution decision to institute on all of the challenged claims on the ground presented in the Petition.

Under the Scheduling Order entered in this case, Patent Owner's Response to the Petition and any motion to amend the patent are currently due on May 7, 2018. Paper 9, 8 ("DUE DATE 1"). In view of the present Order, we hereby extend that due date by one month, to June 7, 2018. The parties shall confer to discuss the impact, if any, of this Order on other dates in the current schedule. In that regard, the parties are reminded that they may stipulate to further changes to DUE DATES 1 through 5, subject to the limitations set forth in the Scheduling Order, without the need for additional authorization from the panel, provided, however, that a notice of any such stipulation, specifically identifying the changed due dates, must be promptly filed. *See id.* at 2. If, after conferring, the parties are unable to reach agreement or wish to otherwise change the schedule, 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.

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In consideration of the foregoing, it is hereby:

ORDERED that our institution decision (Paper 8) is modified to include review of all challenged claims on the ground presented in the Petition;

FURTHER ORDERED that DUE DATE 1 set forth in the Scheduling Order is extended to June 7, 2018; and

FURTHER ORDERED that Petitioner and Patent Owner shall confer to determine whether they desire any changes to the schedule, and, if so, shall either file notice of any stipulated changes or request a conference call with the panel within one week of the date of this Order to resolve any disagreement or to seek authorization for changes not otherwise authorized under the Scheduling Order.

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