

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SIRIUS XM RADIO INC.,  
Petitioner,

v.

FRAUNHOFER-GESELLSCHAFT ZUR FORDERUNG DER  
ANGEWANDTEN E.V.,  
Patent Owner.

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Case IPR2018-00681 (Patent 7,061,997 B1)  
IPR2018-00682 (Patent 6,931,084 B1)  
IPR2018-00689 (Patent 6,993,084 B1)  
IPR2018-00690 (Patent 6,314,289 B1)

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Before JEFFREY S. SMITH, STACEY G. WHITE,  
MICHELLE N. WORMMEESTER, and GARTH D. BAER,  
*Administrative Patent Judges.*

BAER, *Administrative Patent Judge.*

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

IPR2018-00681 (Patent 7,061,997 B1)  
IPR2018-00682 (Patent 6,931,084 B1)  
IPR2018-00689 (Patent 6,993,084 B1)  
IPR2018-00690 (Patent 6,314,289 B1)

In each of the above captioned cases, Sirius XM Radio Inc. (“Petitioner”) filed a Request for Rehearing of our decision denying institution of *inter partes* review based on Petitioner’s failure to identify Sirius XM Holdings as a real party in interest (RPI). We invite Petitioner to file a brief, limited to no more than 7 pages and due within 10 days of the entry date of this order, addressing the Board’s recently designated precedential decisions in *Proppant Express Investments, LLC v. Oren Technologies, LLC*, Case IPR2017-01917 (PTAB Feb. 13, 2019) (Paper 86), and *Adello Biologics LLC v. Amgen Inc.*, Case PGR2019-00001 (PTAB Feb. 14, 2019) (Paper 11). In Particular, we invite Petitioner to address those cases’ impact on Petitioner’s Request for Rehearing. Patent Owner Fraunhofer-Gesellschaft zur Förderung der angewandten Forschung e.V (“Patent Owner”) may file a response to Petitioner’s brief. Patent Owner’s response is also limited to 7 pages and is due within 10 days after Petitioner files its brief. The parties should file the same brief in each of the above captioned cases.

SO ORDERED.

IPR2018-00681 (Patent 7,061,997 B1)  
IPR2018-00682 (Patent 6,931,084 B1)  
IPR2018-00689 (Patent 6,993,084 B1)  
IPR2018-00690 (Patent 6,314,289 B1)

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