

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC., and WHATSAPP, INC.,
Petitioner,

v.

UNILOC LUXEMBOURG, S.A.,
Patent Owner.

IPR2018-00747 (Patent 7,535,890 B2)
IPR2018-00748 (Patent 8,199,747 B2)

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

QUINN, *Administrative Patent Judge*.

ORDER TO SHOW CAUSE
Conduct of the Proceeding
37 C.F.R. §§ 42.5(a), 42.71(a)

IPR2018-00747 (Patent 7,535,890 B2)

IPR2018-00748 (Patent 8,199,747 B2)

The Board held a conference call with the parties on August 10, 2018, to discuss the pending petitions and motions for joinder in the captioned cases and the impact of *SAS Institute, Inc. v. Iancu*, 138 S. Ct. 134 (2018). As a follow-up to that conference call, Petitioner’s counsel responded via e-mail dated August 15, 2018, that “[i]n view of the Board’s position regarding the SAS decision, Facebook and WhatsApp notify the Board that they elect to withdraw their petitions in IPR2018-00747 and IPR2018-00748.” Exhibit 3001. We understand Petitioner’s e-mail communication as a request for dismissal of the petitions.

Further, under 37 U.S.C. § 42.71(a), the Board may “grant, deny, or dismiss any petition or motion,” or enter any appropriate order. These cases are in the preliminary proceeding stage, and dismissing the petitions under § 42.71(a) would promote efficiency and conserve resources of the Board. Therefore, the parties are ordered to show cause why the Petitions in these proceedings should not be dismissed. If either party contends good cause exists for the cases not to be dismissed, the parties, jointly, shall request a conference call with the Board, by no later than Tuesday, August 28, 2018, to discuss the matter. Otherwise, the Board will promptly enter an order dismissing the petitions under § 42.71(a).¹

¹ For guidance the parties are directed to the Decision Dismissing Petition in *Samsung Elecs. Co. v. NVIDIA Corp.*, Case IPR2015-01270 (PTAB Dec. 9, 2015) (Paper 11).

IPR2018-00747 (Patent 7,535,890 B2)

IPR2018-00748 (Patent 8,199,747 B2)

ORDER

In light of Petitioner's election to withdraw the Petition in each of the captioned proceedings, the parties are ordered to show cause why the petitions should not be dismissed under 37 C.F.R. § 42.71(a).

FURTHER ORDERED that if either party contends good cause exists, the parties, jointly, shall request a conference call with the Board by no later than August 28, 2018.

IPR2018-00747 (Patent 7,535,890 B2)

IPR2018-00748 (Patent 8,199,747 B2)

PETITIONER:

Heidi L. Keefe

Phillip E. Morton

Lisa Schwier

COOLEY LLP

hkeefe@cooley.com

pmorton@cooley.com

lschwier@cooley.com

zpatdcdocketing@cooley.com

PATENT OWNER:

Brett Mangrum

Ryan Loveless

James Etheridge

Jeffrey Huang

ETHERIDGE LAW GROUP

brett@etheridgelaw.com

ryan@etheridgelaw.com

jim@etheridgelaw.com

jeff@etheridgelaw.com

Sean D. Burdick

UNILOC USA, INC.

sean.burdick@unilocusa.com