

**From:** Morton, Phillip  
**To:** [Trials](#); [Keefe, Heidi](#); [Schwier, Lisa F](#); [ryan@etheridgelaw.com](mailto:ryan@etheridgelaw.com); [Sean Burdick](#); [Brett Mangrum](#); [Jim Etheridge](#); [Jeff Huang](#)  
**Subject:** RE: IPR2018-00747 and -00748 Conference Call  
**Date:** Wednesday, August 15, 2018 6:05:53 PM

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Trials:

We write following up on the conference call with the Board on August 10, 2018, during which the Board discussed the impact of *SAS Institute, Inc. v. Iancu*, 138 S.Ct. 134 (2018) on IPR petitions seeking joinder on fewer than all of the claims instituted in an underlying IPR petition. The Board expressed the view that a petitioner cannot join fewer than all instituted claims, and thus, inquired as to whether the Petitioner would prefer to join as to all instituted claims, or withdraw its IPR joinder petitions.

The Board asked that Facebook and WhatsApp provide an email with their position no later than Wednesday, August 15<sup>th</sup>.

In 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.

Best,  
Phil Morton  
Counsel for Facebook and WhatsApp

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**From:** Trials <Trials@USPTO.GOV>  
**Sent:** Friday, August 10, 2018 12:33 PM  
**To:** Morton, Phillip <pmorton@cooley.com>; Keefe, Heidi <hkeefe@cooley.com>; Schwier, Lisa F <lschwier@cooley.com>; [ryan@etheridgelaw.com](mailto:ryan@etheridgelaw.com); Sean Burdick <sean.burdick@unilocusa.com>; Brett Mangrum <brett@etheridgelaw.com>; Jim Etheridge <jim@etheridgelaw.com>; Jeff Huang <jeff@etheridgelaw.com>  
**Cc:** Trials <Trials@USPTO.GOV>  
**Subject:** RE: IPR2018-00747 and -00748 Conference Call

Mr. Morton,

The conference call is confirmed. Please use the call-in number and passcode provided below.

Please email [trials@uspto.gov](mailto:trials@uspto.gov) with any questions or concerns.

*Carrie M. Johnson*  
*Detailée Supervisory Paralegal Specialist*  
*Patent Trial and Appeal Board*

*U.S. Patent and Trademark Office*

*Phone: (571) 272-5169*

*Email: [carrie.johnson@uspto.gov](mailto:carrie.johnson@uspto.gov)*

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**From:** Morton, Phillip <[pmorton@cooley.com](mailto:pmorton@cooley.com)>

**Sent:** Friday, August 10, 2018 10:42 AM

**To:** Johnson, Carrie <[Carrie.Johnson@USPTO.GOV](mailto:Carrie.Johnson@USPTO.GOV)>; Keefe, Heidi <[hkeefe@cooley.com](mailto:hkeefe@cooley.com)>; Schwier, Lisa F <[lschwier@cooley.com](mailto:lschwier@cooley.com)>; [ryan@etheridgelaw.com](mailto:ryan@etheridgelaw.com); Sean Burdick <[sean.burdick@unilocusa.com](mailto:sean.burdick@unilocusa.com)>; Brett Mangrum <[brett@etheridgelaw.com](mailto:brett@etheridgelaw.com)>; Jim Etheridge <[jim@etheridgelaw.com](mailto:jim@etheridgelaw.com)>; Jeff Huang <[jeff@etheridgelaw.com](mailto:jeff@etheridgelaw.com)>

**Cc:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Subject:** Re: IPR2018-00747 and -00748 Conference Call

Ms. Johnson-

The parties have conferred and Monday, August 13, 2018 at 2pm ET works for all parties. Please let us know if that time works for the panel.

Best,

Phil Morton

Counsel for Facebook and WhatsApp

**Phillip E. Morton**

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**From:** "Johnson, Carrie" <[Carrie.Johnson@USPTO.GOV](mailto:Carrie.Johnson@USPTO.GOV)>

**Date:** Friday, August 10, 2018 at 6:29 AM

**To:** Heidi Keefe <[hkeefe@cooley.com](mailto:hkeefe@cooley.com)>, "Morton, Phillip" <[pmorton@cooley.com](mailto:pmorton@cooley.com)>, "Schwier, Lisa F" <[lschwier@cooley.com](mailto:lschwier@cooley.com)>, "[ryan@etheridgelaw.com](mailto:ryan@etheridgelaw.com)" <[ryan@etheridgelaw.com](mailto:ryan@etheridgelaw.com)>, Sean Burdick <[sean.burdick@unilocusa.com](mailto:sean.burdick@unilocusa.com)>, Brett Mangrum <[brett@etheridgelaw.com](mailto:brett@etheridgelaw.com)>, Jim Etheridge <[jim@etheridgelaw.com](mailto:jim@etheridgelaw.com)>, Jeff Huang <[jeff@etheridgelaw.com](mailto:jeff@etheridgelaw.com)>

**Cc:** Trials <[Trials@USPTO.GOV](mailto:Trials@USPTO.GOV)>

**Subject:** IPR2018-00747 and -00748 Conference Call

Counsel,

The panel requests that the parties to IPR2018-00747 and IPR2018-00748

attend a conference call **today, Friday, August 10, 2018 at 12:30 pm Eastern** to discuss petitioner's request for joinder in view of the *SAS v. Iancu* decision. If counsel is not available at the requested time, the parties are directed to meet and confer and propose alternate times at which all parties are available.

Call-in number: 866-902-3546

Passcode: 4343340

Please direct all communications to [trials@uspto.gov](mailto:trials@uspto.gov) and to confirm your attendance.

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*Detailée Supervisory Paralegal Specialist*  
*Patent Trial and Appeal Board*  
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