

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HTC CORPORATION and HTC AMERICA, INC.,
Petitioners,

v.

INVT SPE LLC,
Patent Owner.

Case IPR2018-01555
Patent 7,848,439 B2

Before THU A. DANG, KEVIN F. TURNER, and BARBARA A. BENOIT,
Administrative Patent Judges.

BENOIT, *Administrative Patent Judge.*

CORRECTED DECISION
Institution of *Inter Partes* Review
35 U.S.C. § 314(a)

IPR2018-01555
Patent 7,848,439 B2

HTC Corporation and HTC America, Inc. (collectively, “Petitioner”) filed a petition (Paper 1) seeking *inter partes* review of claims 1–7 of U.S. Patent No. 7,848,439 B2. Patent Owner, INVT SPE LLC, filed a Preliminary Response (Paper 7).

Petitioner challenges claims 1–7 of the ’439 patent as unpatentable under 35 U.S.C. § 103 over the following references:

U.S. Patent No. 6,904,283 B2, filed April 17, 2001, issued June 7, 2005 (Ex. 1003, “Li”);

U.S. Patent No. 7,221,680 B2, filed September 1, 2004, issued May 22, 2007 (Ex. 1004, “Vijayan”); and

U.S. Patent No. 6,721,569 B1, filed September 29, 2000, issued April 13, 2004 (Ex. 1005, “Hashem”).

Pet. 9–46.

The caption page of Paper 8 indicated *inter partes* review was instituted, as did Paper 8 itself:

For the reasons explained above, we determine that the information presented in the Petition and the Patent Owner’s Preliminary Response shows that there is a reasonable likelihood that Petitioner will prevail in showing the subject matter of claim 1 would have been obvious over Li, Vijayan, and Hashem.

Accordingly, *inter partes* review of all claims in the single asserted ground presented in the Petition is hereby instituted. 35 U.S.C. § 314(a); *see SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018) (holding an *inter partes* review may not institute on less than all claims challenged in the petition); *PGS Geophysical AS v. Iancu*, 891 F.3d 1354, 1360 (Fed. Cir. 2018) (indicating that a decision whether to institute an *inter partes* review “requires a simple yes-or-no institution choice respecting a petition, embracing all challenges included in the petition”).

Pet. 41–42.

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The order embedded in Paper 8, however, mistakenly indicated that institution was *not* being instituted. Paper 8, 47. We issue this Corrected Decision to Institute on the same day as Paper 8.

Accordingly, for the reasons given in Paper 8, it is:

ORDERED that, pursuant to 35 U.S.C. § 314(a), an *inter partes* review of claims 1–7 of the U.S. Patent No. 7,848,439 B2 is instituted with respect to all grounds set forth in the Petition; and

FURTHER ORDERED that, pursuant to 35 U.S.C. § 314(c) and 37 C.F.R. § 42.4(b), *inter partes* review of the '439 patent shall commence on the entry date of this Order, and notice is hereby given of the institution of a trial.

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