

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

SAINT REGIS MOHAWK TRIBE,
Patent Owner.

Case IPR2018-01594 (Patent 6,434,687 B1)
Case IPR2018-01599 (Patent 6,076,152)
Case IPR2018-01600 (Patent 6,247,110 B1)
Case IPR2018-01601, IPR2018-01602, and IPR2018-01603
(Patent 7,225,324 B2)
Case IPR2018-01604 (Patent 7,421,524 B2)
Case IPR2018-01605, IPR2018-01606, and IPR2018-01607
(Patent 7,620,800 B2)¹

Before KALYAN K. DESHPANDE, JUSTIN T. ARBES, and
CHRISTAP. ZADO, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

¹ This Order addresses an issue pertaining to all ten cases. Therefore, we exercise our discretion to issue a single Order to be filed in each case. Other than as expressly authorized herein, the parties are not authorized to use this style heading for any subsequent papers.

IPR2018-01594 (Patent 6,434,687 B1)
IPR2018-01599 (Patent 6,076,152)
IPR2018-01600 (Patent 6,247,110 B1)
IPR2018-01601, IPR2018-01602, IPR2018-01603 (Patent 7,225,324 B2)
IPR2018-01604 (Patent 7,421,524 B2)
IPR2018-01605, IPR2018-01606, IPR2018-01607 (Patent 7,620,800 B2)

On November 21, 2018, Judges Deshpande, Arbes, and Zado held a conference call with Microsoft Corporation (“Petitioner”) and Saint Regis Mohawk Tribe (“Patent Owner”). Patent Owner requested the conference call to seek authorization to file a motion to stay the proceedings.

Patent Owner indicated its intent to file a petition for a writ of certiorari to the Supreme Court of the United States of America appealing the Court of Appeals for the Federal Circuit’s decision in *Saint Regis Mohawk Tribe v. Mylan Pharms. Inc.*, Nos. 18-1638, 18-1639, 18-1640, 18-1641, 18-1642, and 18-1643. Patent Owner represents that the issue it intends to appeal is dispositive in these IPRs, and, therefore, requests a stay in these proceedings pending the Supreme Court’s decision on whether to grant the petition for a writ of certiorari. Accordingly, Patent Owner requests a stay of these proceedings until March 1, 2019.

Petitioner opposes – arguing that the issue Patent Owner intends to appeal has been decided. Accordingly, Petitioner opposes a stay of these proceedings because Petitioner believes there is no basis for doing so.

Patent Owner alternatively requests an accommodation of extending the due date for certain of its preliminary responses until January because of pending litigation deadlines and holidays. Petitioner opposes – noting the district court has stayed the litigation between the parties pending these proceedings.

We authorize additional briefing on the issue of staying the proceedings until a decision on Patent Owner’s petition for a writ of

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certiorari. *See* 37 C.F.R. § 42.20(d). Patent Owner is authorized to file a motion to stay, limited to this issue, of no more than ten (10) pages, due Friday, November 30, 2018. We further authorize Petitioner to file an opposition, of no more than ten (10) pages, due on Friday, December 7, 2018. Each party shall file the same paper in all of the instant proceedings, using a caption similar to the first page of this Order. Also, to ensure sufficient time for consideration of the additional briefing, we extend the deadlines for Patent Owner's preliminary responses in some of the proceedings. *See* 37 C.F.R. § 42.5(c)(2). No other deadlines are changed at this time.

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized for file a motion to stay these proceedings, of no more than ten (10) pages, due on Friday, November 30, 2018;

FURTHER ORDERED that Petitioner is authorized for file an opposition to Patent Owner's motion to stay, of no more than ten (10) pages, due on Friday, December 7, 2018; and

FURTHER ORDERED that the deadline for Patent Owner to file a preliminary response in Cases IPR2018-01594, IPR2018-01601, IPR2018-01604, and IPR2018-01605, should it choose to do so, is extended to January 15, 2018.

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