

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UUSI, LLC d/b/a NARTRON,
Patent Owner.

IPR2019-00355; IPR2019-00356; IPR2019-00357;
IPR2019-00358; IPR2019-00359; IPR2019-00360¹
Patent 5,796,183

Before BRYAN F. MOORE, MINN CHUNG, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

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

¹ This Order will be entered in each case. The parties are not authorized to use this caption style.

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IPR2019-00358; IPR2019-00359; IPR2019-00360
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Petitioner Apple filed a Petition and Patent Owner Nartron filed a Patent Owner Preliminary Response in each of the above-identified proceedings. In their papers, the parties argue whether the Board should exercise its discretion under 35 U.S.C. § 314(a) to deny institution of an *inter partes* review of the challenged claims of U.S. Patent No. 5,796,183 (“the ’183 patent”) based on the fact that a different petitioner, Samsung, previously filed a petition challenging overlapping claims of the ’183 patent.

On May 7, 2019, the Board designated as precedential the decision denying institution in IPR2019-00062, IPR2019-00063, and IPR2019-00084. *Valve Corp. v. Elec. Scripting Prods., Inc.*, Case IPR2019-00062, -00063, -00084 (PTAB Apr. 2, 2019) (Paper 11) (precedential). Because the *Valve* decision is relevant to the § 314(a) issue argued by the parties, we invite the parties to provide additional briefing addressing the *General Plastic* factors analysis in view of *Valve*, e.g., whether there exists a significant relationship between Apple and Samsung with respect to Patent Owner’s assertion of the ’183 patent. *See Valve*, slip. op. 9–10.

Accordingly, it is hereby:

ORDERED that the parties are authorized, but not required, to file a paper in each of the above-identified proceedings addressing the issue of discretionary denial of institution under 35 U.S.C. § 314(a) in view of *General Plastic* and *Valve*, not to exceed three pages and no later than June 5, 2019.

IPR2019-00355; IPR2019-00356; IPR2019-00357;
IPR2019-00358; IPR2019-00359; IPR2019-00360
Patent 5,796,183

PETITIONER:

W. Karl Renner
Jeremy Monaldo
Daniel D. Smith
FISH & RICHARDSON P.C.
axf-ptab@fr.com
jjm@fr.com
dsmith@fr.com

PATENT OWNER:

Joseph A. Rhoa
Jonathan A. Roberts
NIXON & VANDERHYE P.C.
jar@nixonvan.com
jr@nixonvan.com