

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VOLKSWAGEN GROUP OF AMERICA, INC., HYUNDAI MOTOR
AMERICA, and SUBARU OF AMERICA, INC.,¹
Petitioner,

v.

STRATOSAUDIO, INC.,
Patent Owner.

IPR2021-00712 (Patent 8,903,307 B2)
IPR2021-00716 (Patent 8,688,028 B2)
IPR2021-00720 (Patent 9,355,405 B2)
IPR2021-00721 (Patent 8,166,081 B2)

Before JUSTIN T. ARBES, HYUN J. JUNG, and KEVIN C. TROCK,
Administrative Patent Judges.

PER CURIAM.

¹ Mazda Motor of America, Inc. (“Mazda”), Subaru of America, Inc. (“Subaru”), and Volvo Car USA, LLC (“Volvo”) filed a motion for joinder and a petition in Cases IPR2022-00203, IPR2022-00204, and IPR2022-00205, which were granted, and, therefore, were joined as petitioners in Cases IPR2021-00721, IPR2021-00716, and IPR2021-00712, respectively. The same three petitioners, along with Hyundai Motor America (“Hyundai”), filed a motion for joinder and a petition in Case IPR2022-00224, which were granted, and, therefore, were joined as petitioners in Case IPR2021-00720. The proceedings subsequently were terminated as to Mazda and Volvo due to settlement. The parties are not authorized to use this style heading for any subsequent papers.

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ORDER

Adjusting One-Year Pendency Due to Joinder
35 U.S.C. § 316(a)(11); 37 C.F.R. § 42.100(c)

On October 25, 2021, we instituted an *inter partes* review of claims 11 and 15–18 of U.S. Patent No. 8,903,307 B2 (“the ’307 patent”), based on a petition filed by Volkswagen Group of America, Inc. (“Volkswagen”), in Case IPR2021-00712 (Paper 16). On May 11, 2022, we joined Mazda, Subaru, and Volvo, who filed a petition in Case IPR2022-00205, as petitioners in the proceeding (Paper 36).

On October 25, 2021, we instituted an *inter partes* review of claims 11, 14–16, and 18 of U.S. Patent No. 8,688,028 B2 (“the ’028 patent”), based on a petition filed by Volkswagen, in Case IPR2021-00716 (Paper 16). On May 11, 2022, we joined Mazda, Subaru, and Volvo, who filed a petition in Case IPR2022-00204, as petitioners in the proceeding (Paper 36).

On October 22, 2021, we instituted an *inter partes* review of claims 12–16 of U.S. Patent No. 9,355,405 B2, based on a petition filed by Volkswagen, in Case IPR2021-00720 (Paper 16). On June 2, 2022, we joined Hyundai, Mazda, Subaru, and Volvo, who filed a petition in Case IPR2022-00224, as petitioners in the proceeding (Paper 39).

On October 22, 2021, we instituted an *inter partes* review of claims 9–11 and 23 of U.S. Patent No. 8,166,081 B2 (“the ’081 patent”), based on a petition filed by Volkswagen, in Case IPR2021-00721 (Paper 16). On June 2, 2022, we joined Mazda, Subaru, and Volvo, who

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filed a petition in Case IPR2022-00203, as petitioners in the proceeding (Paper 37).

The '307 patent, '028 patent, and '081 patent challenged in these proceedings are also the subject of pending Cases IPR2021-01305, IPR2021-01303, and IPR2021-01267, respectively, filed by Hyundai.

Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director . . . may adjust the time periods in this paragraph in the case of joinder under section 315(c).” The Director has delegated the authority to adjust the one-year period to the Board. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides that “[a]n *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be . . . adjusted by the Board in the case of joinder.”

In accordance with 37 C.F.R. § 42.100(c), we adjust the time of pendency before the Board in the present proceedings, which involve joinder, to permit the Board to consider and determine the pending issues. The Board shall issue Final Written Decisions in these proceedings no later than January 25, 2023.

In consideration of the foregoing, it is hereby:

ORDERED that the time of pendency in these proceedings, which involve joinder, is adjusted beyond one year after institution; and

FURTHER ORDERED that the Board shall issue Final Written Decisions in these proceedings no later than January 25, 2023.

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