

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SEMICONDUCTOR COMPONENTS INDUSTRIES, LLC
(d/b/a ON SEMICONDUCTOR),
Petitioner,

v.

POWER INTEGRATIONS, INC.,
Patent Owner.

Case IPR2016-00809¹
Case IPR2016-00995
Case IPR2016-01589
Case IPR2016-01597

PER CURIAM.

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

¹ The parties are authorized to use this caption in their filings made pursuant to this Order only. *See infra*.

IPR2016-00809, IPR2016-00995
IPR2016-01589, IPR2016-01597

These four proceedings are on remand from the United States Court of Appeals for the Federal Circuit with an order from the Court that the Board dismiss each proceeding as improperly instituted contrary to 35 U.S.C. § 315(b).

On September 6, 2019, by email, Petitioner contacted the Board to request authorization to file a motion to stay the proceedings. Petitioner's request is based on its representation that it will file a petition for certiorari to the Supreme Court of the United States challenging the Federal Circuit's time-bar determination under § 315(b). Petitioner points out that the same § 315(b) issue is before the Supreme Court in *Thryv, Inc., fka Dex Media, Inc. v. Click-to-Call Technologies, LP*, No. 18-916 (*cert. granted* June 24, 2019). On September 8, 2019, Patent Owner responded, by email, opposing the request.

On September 17, 2019, the Board (per Judges Giannetti, McNamara, Pettigrew, Fishman, and Begley) held a conference call with the parties to discuss Petitioner's request. A court reporter engaged by Petitioner was also on the call. Petitioner will file the reporter's transcript as an exhibit promptly after it becomes available.

After hearing the parties' oral submissions, the Board advised the parties that it would grant Petitioner's request and authorize briefing on a motion to stay.

It is, therefore,

ORDERED that Petitioner's request for authorization to file a motion to stay each of these four proceedings on remand to allow Petitioner to file a petition for certiorari in the Supreme Court of the United States is *granted*;

IPR2016-00809, IPR2016-00995
IPR2016-01589, IPR2016-01597

FURTHER ORDERED that Petitioner's motion will be due within ten days after entry of this Order (not including weekends and holidays) and is limited to ten pages;

FURTHER ORDERED that Patent Owner is authorized to file an opposition of not more than ten pages, due within ten days (not including weekends and holidays) after receipt of the motion;

FURTHER ORDERED that Petitioner is authorized to file a reply of no more than five pages, due within seven days (not including weekends and holidays) after receipt of the opposition;

FURTHER ORDERED that the parties in their briefs should provide citations to relevant legal authority and address all potential outcomes of the petition for writ of certiorari and what effect those outcomes could have on this proceeding;

FURTHER ORDERED that the parties in their briefs should address all potential prejudice to them that would result from granting or denying the requested stay; and

FURTHER ORDERED that the caption appearing above may be used by the parties for the filings made pursuant to this Order *and for no other purposes*.

IPR2016-00809, IPR2016-00995
IPR2016-01589, IPR2016-01597

PETITIONER:

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