

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.,  
Petitioner,

v.

INTELLECTUAL VENTURES I, LLC,  
Patent Owner.

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Case IPR2016-01643  
Patent 6,775,745 B1

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Before JEFFREY S. SMITH, GEORGIANNA BRADEN, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

***ORDER***

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

On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the Petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at \*10 (U.S. Apr. 24, 2018). In our Decision on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one of the challenged claims of the '745 patent is unpatentable, but we instituted on fewer than all claims challenged in the Petition. Paper 9. On March 26, 2018, we entered a Final Written Decision. Paper 51.

On May 17, 2019, we held a conference call with the parties to discuss the impact of *SAS* on this proceeding. During the call, the parties requested that the Board institute on all claims and all grounds presented in the Petition. The parties requested that we include a statement that the parties will not pursue the newly instituted claims and grounds, and that the parties will not seek any further briefing, discovery, or evidence on the newly instituted claims and grounds. Ex. 2019, 10:9-11:10; Ex. 3001.

We modify our Decision on Institution to institute on all of the challenged claims and all of the grounds presented in the Petition. As agreed by the parties, the newly instituted claims and grounds will not be pursued by the parties, and the parties will not seek any further briefing, discovery, or evidence on the newly instituted claims and grounds. Furthermore, the parties are authorized to file their stipulation to withdraw the originally non-instituted grounds and claims.

In consideration of the foregoing, it is hereby:

ORDERED that the Decision on Institution is modified to include review of all challenged claims and all grounds presented in the Petition; and

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FURTHER ORDERED that the parties are authorized to file a joint stipulation to withdraw the originally non-instituted grounds and non-instituted claims from the proceeding.

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