

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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WHATSAPP INC,  
Petitioner,

v.

TRIPLAY, INC.,  
Patent Owner.

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Case IPR2016-01659 (Patent 9,049,574 B2)

Case IPR2016-01660 (Patent 9,049,574 B2)

Case IPR2016-01661 (Patent 9,055,416 B2)

Case IPR2016-01662(Patent 9,055,416 B2)<sup>1</sup>

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Before THU A. DANG, JOSIAH C. COCKS, and MICHAEL R. ZECHER,  
*Administrative Patent Judges.*

COCKS, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceedings  
*37 C.F.R. § 42.5(a)*

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<sup>1</sup> This Order pertains to all noted proceedings. We exercise our discretion to issue a single Order for entry in each proceeding. The parties are not authorized to use this style heading for any subsequent papers.

IPR2016-01659 (Patent 9,049,574 B2)  
IPR2016-01660 (Patent 9,049,574 B2)  
IPR2016-01661 (Patent 9,055,416 B2)  
IPR2016-01662 (Patent 9,055,416 B2)

### *1. Introduction*

A conference call was held on August 1, 2017, between counsel for the respective parties and Judges Dang, Cocks, and Zecher. Petitioner, WhatsApp Inc., was represented by Heidi Keefe. Patent Owner, Triplay, Inc., was represented by Barry Schindler. The purpose of the call was to discuss Patent Owner's decision not to file Patent Owner Responses in any of the four noted proceedings.

### *2. Discussion*

During the call, we advised the parties that Patent Owner's decision not to file a Patent Owner Response in any of the proceedings involved here means that Patent Owner has forgone the opportunity to submit briefing that challenges the arguments and supporting evidence presented in each Petition as a part of the trials that were instituted in the four pertinent *inter partes* reviews. In that respect, the records now before the panel reflect that the arguments and supporting evidence presented in each Petition stand unopposed as a part of the trials that were instituted. When queried, both parties expressed that they understood such to be the case.

Also during the call, the parties expressed that given the circumstances now present in each proceeding there would be no need for any further filings as laid out in the Scheduling Order (Paper 8 in each case).

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Each party further represented that, under these particular circumstances, they are not, and will not be, requesting oral argument.

### *3. Orders*

It is

ORDERED that, because there is no need for any further filings in any of the four noted proceedings, Due Dates 1–7 of the Scheduling Order (Paper 8 in each case) are hereby waived; and

FURTHER ORDERED that the panel will proceed to a Final Written Decision in each proceeding based on the current record.

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