

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CISCO SYSTEMS, INC.,  
Petitioner,

v.

UNILOC USA, INC. and UNILOC LUXEMBOURG S.A.,  
Patent Owner.

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IPR2017-00058  
Patent 7,804,948 B2

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Before SCOTT R. BOALICK, *Chief Administrative Patent Judge*.

BOALICK, *Chief Administrative Patent Judge*.

ORDER

The Federal Circuit vacated the Board’s final written decision in this case and remanded to the Board for proceedings consistent with *Arthrex, Inc. v. Smith & Nephew, Inc.*, 941 F.3d. 1320 (Fed. Cir. 2019). *Uniloc 2017 LLC v. Cisco Sys., Inc.*, No. 18-2431, ECF No. 44 (Fed. Cir. Jan. 23, 2020) (“Remand Order”) (Exhibit 3001). The Federal Circuit’s mandate issued on April 2, 2020. *Id.* at ECF No. 50.

This case was held in abeyance on May 1, 2020, and that abeyance was lifted on October 26, 2021. Papers 22, 23.

Pursuant to an email sent to the parties on January 18, 2022 (Exhibit 3002), the parties filed a Joint Proposed Procedure on Remand (Paper 24). The parties state that they agree that “the procedure on remand should include the issuance of a final written decision” but disagree “on whether additional steps are needed beforehand.” Paper 24, 1. Patent Owner proposes “[a] hearing before a new panel, followed by a final written decision issued by the new panel.” *Id.* Petitioner asserts that “[t]he previous panel may reissue the previous final written decision, after which Patent Owner may seek Director Review if it chooses.” *Id.*

The Federal Circuit’s Remand Order issued prior to the Supreme Court’s decision in *United States v. Arthrex, Inc.*, 141 S. Ct. 1970 (2021). As discussed above, the parties disagree as to how this case should proceed on remand. Thus, if either party desires clarification regarding the Federal Circuit’s Remand Order, that party may seek such clarification at the Federal Circuit.

Accordingly, it is

ORDERED that the parties have up to ten business days from the date of this order to seek clarification regarding the Federal Circuit’s Remand Order at the Federal Circuit;

FURTHER ORDERED that the parties shall notify the Board within ten business days from the date of this order whether either party seeks any such clarification; and

FURTHER ORDERED that if either party seeks clarification at the Federal Circuit, the parties shall notify the Board within five business days of any disposition by the Federal Circuit on the request for clarification.

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