

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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NIKE INC.,  
Petitioner,

v.

JEZIGN LICENSING, LLC,  
Patent Owner.

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Case IPR2017-00246  
Patent 6,837,590 B2

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Before KRISTEN L. DROESCH, PHILLIP J. KAUFFMAN, and  
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

DROESCH, *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 less than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at \*10 (U.S. Apr. 24, 2018). Additional guidance on the impact of SAS on PTAB proceedings can be accessed at the following web address:

<https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/guidance-impact-sas-aia-trial>.

In our Decision on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would prevail in showing that at least one of the challenged claims of U.S. Patent 6,837,590 is unpatentable. Paper 12, 32–33. We modify our Decision on Institution to include all of the challenged claims and all of the grounds presented in the Petition.

Petitioner and Patent Owner shall meet and confer to discuss any need for additional briefing. The parties shall request a conference call with the panel to discuss any requested additional briefing within one (1) week of entry of this Order. When requesting a conference call with the panel, the parties shall provide several proposed times when both parties are available for the conference call.

In consideration of the foregoing, it is hereby:

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

FURTHER ORDERED that, Petitioner and Patent Owner shall meet and confer to discuss any need for additional briefing, and if so, request a conference call with the panel to seek authorization for such briefing within one week of the date of this Order.

IPR2017-00246  
Patent 6,837,590 B2

PETITIONERS:

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