

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDERSECRETARY AND DIRECTOR OF
THE UNITED STATES PATENT AND TRADEMARK OFFICE

FITBIT, INC.,¹
Petitioner,

v.

VALENCELL, INC.,
Patent Owner.

IPR2017-00319
Patent 8,923,941 B2

Before ANDREW HIRSHFELD, *Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.*

ORDER

¹ Petitioner Apple Inc. is no longer a party to this proceeding. *See Fitbit, Inc. v. Valencell, Inc.*, 964 F.3d 1112, 1114 (Fed. Cir. 2020) (“Following the [Board’s final written decision], Apple withdrew from the proceeding.”).

IPR2017-00319
Patent 8,923,941 B2

The Office has received a request for Director review of the Final Written Decision in the above-captioned case. *See* Ex. 3100. The request was referred to Mr. Hirshfeld, Commissioner for Patents, Performing the Functions and Duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office.

It is ORDERED that the request for Director review is denied; and
FURTHER ORDERED that the Patent Trial and Appeal Board's Final Written Decision in this case is the final decision of the agency.

IPR2017-00319
Patent 8,923,941 B2

For PETITIONER:

James Glass
Ognjen Zivojnovic
Sam Stake
QUINN EMANUEL URQUHART & SULLIVAN, LLP
jimglass@quinnemanuel.com
ogizivojnovic@quinnemanuel.com
samstake@quinnemanuel.com

For PATENT OWNER:

Daniel Olejko
Marcus Benavides
R. Scott Rhoades
Sanford E. Warren, Jr.
BRAGALONE OLEJKO SAAD PC
dolejko@bosfirm.com
mbenavides@bosfirm.com
srhoades@wriplaw.com
swarren@wriplaw.com