

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FREDMAN BROS. FURNITURE COMPANY, INC.,
Petitioner,

v.

BEDGEAR, LLC,
Patent Owner.

Cases¹

IPR2017-00350 (Patent 8,887,332 B2);
IPR2017-00351 (Patent 9,015,883 B2);
IPR2017-00352 (Patent 8,646,134 B1)

Before HYUN J. JUNG, BART A. GERSTENBLITH, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue one order to be entered in each case. The parties are not authorized to use a caption identifying multiple proceedings.

IPR2017-00350 (Patent 8,887,332 B2)
IPR2017-00351 (Patent 9,015,883 B2)
IPR2017-00352 (Patent 8,646,134 B1)

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*, No. 16-969, 2018 WL 1914661, at *10 (U.S. Apr. 24, 2018). In our Decisions on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one of the challenged claims of the '332 patent, '883 patent, and '134 patent is unpatentable. Paper 8, 2, 37–38 (IPR2017-00350); Paper 8, 2, 31–32 (IPR2017-00351); Paper 8, 2, 34–35 (IPR2017-00352). We modify our institution decisions to institute on all of the challenged claims and all of the grounds presented in the Petitions.

The parties shall confer to discuss the impact, if any, of this Order. If, after conferring, the parties wish to submit further briefing or argument, the parties must, within one week of the date of this Order, request a conference call with the panel to seek authorization.

In consideration of the foregoing, it is hereby:

ORDERED that our Decisions on Institution are modified to include review of all challenged claims and all grounds presented in the Petitions; and

FURTHER ORDERED that Petitioner and Patent Owner shall confer to determine whether they desire any further briefing or argument, and, if so, shall request a conference call with the panel to seek authorization within one week of the date of this Order.

IPR2017-00350 (Patent 8,887,332 B2)
IPR2017-00351 (Patent 9,015,883 B2)
IPR2017-00352 (Patent 8,646,134 B1)

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