

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

LENOVO (UNITED STATES) INC. and EMC CORPORATION,  
Petitioner,

v.

INTELLECTUAL VENTURES I LLC,  
Patent Owner.

---

Case IPR2017-00477  
Patent 8,387,132 B2

---

Before JEFFREY S. SMITH, GEORGIANNA W. BRADEN, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

GALLIGAN, *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 fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at \*10 (U.S. Apr. 24, 2018). In the Decision on Institution, the Board determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one of the challenged claims of U.S. Patent 8,387,132 B2 is unpatentable. Paper 9, 34. We modify the institution decision to institute on all of the challenged claims and all of the grounds presented in the Petition.

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

In consideration of the foregoing, it is hereby:

ORDERED that the institution decision 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 confer to determine whether they desire any further briefing and, if so, shall request a conference call with the panel to seek authorization for such briefing within one week of the date of this Order.

IPR2017-00477  
Patent 8,387,132 B2

PETITIONER:

Christopher Centurelli  
Benjamin Weed  
Erik Halverson  
K&L GATES, LLP  
christopher.centurelli@klgates.com  
benjamin.weed.ptab@klgates.com  
erik.halverson@klgates.com

Peter Dichiara  
Arthur Shum  
WILMER CUTLER PICKERING HALE AND DORR LLP  
peter.dichiara@wilmerhale.com  
arthur.shum@wilmerhale.com

Thomas Brown  
EMC CORPORATION  
tom.brown@emc.com

PATENT OWNER:

Byron Pickard  
Lori Gordon  
STERNE KESSLER GOLDSTEIN FOX  
bpickard-ptab@sternekessler.com  
lgordon-ptab@skgf.com

James Hietala  
Tim Seeley  
INTELLECTUAL VENTURES  
jhietala@intven.com  
tims@intven.com