

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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LIVEPERSON, INC.,  
Petitioner,

v.

24/7 CUSTOMER, INC.,  
Patent Owner.

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Cases IPR2017-00609 (Patent 6,970,553 B1) and  
IPR2017-00610 (Patent 9,077,804 B2)

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Before CHRISTOPHER L. CRUMBLEY, ROBERT J. WEINSCHENK,  
and JASON W. MELVIN, *Administrative Patent Judges.*

CRUMBLEY, *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 an *inter partes* review under 35 U.S.C. § 314 may not institute on fewer than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, No. 16-969,

IPR2017-00609 (Patent 6,970,553 B1)  
IPR2017-00610 (Patent 9,077,804 B2)

2018 WL 1914661, at \*10 (U.S. Apr. 24, 2018). In our Decision on Institution in IPR2017-00609, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one challenged claim is unpatentable, but we did not institute trial on all the claims challenged in the Petition. IPR2017-00609, Paper 12, 13. We reached a similar decision in IPR2017-00610. IPR2017-00610, Paper 9, 19–20. Pursuant to Office guidance, we hereby modify our decisions, in order to institute on all of the challenged claims and all of the grounds presented in the respective Petitions. *See* United States Patent and Trademark Office, *Guidance on the Impact of SAS on AIA Trial Proceedings*, PATENT TRIAL AND APPEAL BOARD TRIALS (April 26, 2018), <https://go.usa.gov/xQ93y>.

The parties should meet and confer in order to discuss the impact, if any, of this Order on the current proceedings. If, after conferring, the parties wish to request authorization for further briefing, the parties must, within one week of the date of this Order, request a conference call with the panel.

In consideration of the foregoing, it is hereby:

ORDERED that our Decision on Institution in each of IPR2017-00609 and IPR2017-00610 is modified to include review of all challenged claims and all grounds presented in the respective Petitions; and

FURTHER ORDERED that the parties shall, if necessary, request a conference call with the panel to seek authorization for any supplemental briefing within one week of the date of this Order.

IPR2017-00609 (Patent 6,970,553 B1)  
IPR2017-00610 (Patent 9,077,804 B2)

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