

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC
Petitioner,

v.

VEVEO, INC.,
Patent Owner.

Case IPR2017-00715
Patent 8,433,696 B2

Before JONI Y. CHANG, MINN CHUNG, and
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

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

On April 24, 2018, the U.S. 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).

In our Institution Decision (Paper 8), we instituted *inter partes* review of claims 1–31 of U.S. Patent No. 8,433,696 on grounds 1 and 2 presented in the Petition (Paper 2). This constituted all of the claims presented in the Petition, but not all grounds. *See* Paper 2, 13. We modify our Institution Decision to institute on all of the grounds presented in the Petition. *See* Guidance on the Impact of SAS on AIA Trial Proceedings (Apr. 26, 2018), available at <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/guidance-impact-sas-aia-trial>.

The parties shall confer to discuss the impact, if any, of this Order on the current schedule. If, after conferring, the parties wish to otherwise change the schedule or 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 changes or briefing.

As an alternative, the Board authorizes the parties to file, within one week of the date of this Order, a Joint Motion to Limit the Petition by removing the grounds upon which we did not institute in our Institution Decision. *See, e.g., Apotex Inc., v. OSI Pharms., Inc.*, Case IPR2016-01284 (PTAB Apr. 3, 2017) (Paper 19) (granting, after institution, a joint motion to limit the petition by removing a patent claim that was included for trial in the institution decision).

In consideration of the foregoing, it is hereby
ORDERED that our Institution Decision is modified to include review
of all grounds presented in the Petition;

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

FURTHER ORDERED that alternatively, the parties may file, within
one week of the date of this Order, a Joint Motion to Limit the Petition by
removing the grounds upon which we did not institute in our Institution
Decision.

IPR2017-00715
Patent 8,433,696 B2

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