

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HTC CORPORATION AND HTC AMERICA, INC.,  
Petitioner,

v.

KONINKLIJKE PHILIPS N.V.,  
Patent Owner.

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Case IPR2017-00857  
Reissued Patent RE44,006 E

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Before KRISTEN L. DROESCH, BARBARA A. PARVIS, and  
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

DROESCH, *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 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 Decision on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would prevail in showing that at least one of the challenged claims of Reissued Patent RE44,006 E is unpatentable. Paper 7, 29. We modify our Decision on Institution to include review of all the challenged claims and all the grounds presented in the Petition.

The parties shall meet and confer to discuss any need for additional briefing. The parties shall request a conference call with the panel to discuss any requested additional briefing within one (1) week of entry of this Order. When requesting a conference call with the panel, the parties shall provide several proposed times when both parties are available for the conference call.

In consideration of the foregoing, it is hereby:

ORDERED that our Decision on Institution 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 meet and confer to discuss whether they need additional 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.

IPR2017-00857  
Reissued Patent RE44,006 E

PETITIONER:

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