

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMAZON.COM, INC., AMAZON DIGITAL SERVICES, INC.,
AMAZON FULFILLMENT SERVICES, INC., HULU, LLC,
and NETFLIX, INC,
Petitioner,

v.

UNILOC LUXEMBOURG S.A.,
Patent Owner.

Case IPR2017-00948
Patent 8,566,960 B2

Before DAVID C. MCKONE, BARBARA A. PARVIS, and
MICHELLE N. WORMMEESTER, *Administrative Patent Judges*.

MCKONE, *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 establish that at least one of the challenged claims of the '960 patent is unpatentable. Paper 10, 2. We instituted on claims 7, 12, and 16 as anticipated by DeMello, but did not institute on claims 7, 12, and 16 as obvious over DeMello. *Id.* at 30, 34. We modify our institution decision to include review of all the challenged claims and all the grounds presented in the Petition.

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.

In consideration of the foregoing, it is hereby:

ORDERED that our 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 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.

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PETITIONERS:

Daniel Shvodian
Sarah E. Stahnke
PERKINS COIE LLP
dshvodian@perkinscoie.com
Sstahnke@perkinscoie.com

PATENT OWNER:

Brett Mangrum
Jeffrey Huang
ETHERIDGE LAW GROUP
brett@etheridgelaw.com
jeff@etheridgelaw.com

Sean Burdick
UNILOC USA, INC.
Sean.burdick@unilocusa.com