

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COMCAST CABLE COMMUNICATIONS, LLC,
Petitioner,

v.

ROVI GUIDES, INC.,
Patent Owner.

IPR2017-00950 (Patent 8,006,263 B2)
IPR2017-00951 (Patent 8,006,263 B2)
IPR2017-00952 (Patent 8,006,263 B2)
IPR2017-01048 (Patent 8,578,413 B2)
IPR2017-01049 (Patent 8,578,413 B2)
IPR2017-01050 (Patent 8,578,413 B2)¹

Before KEVIN F. TURNER, MICHAEL R. ZECHER, and
JESSICA C. KAISER, *Administrative Patent Judges*.

PER CURIAM.

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

¹ This Order addresses an issue that is identical in all six proceedings.
We, therefore, exercise our discretion to issue one Order to be filed in each proceeding.

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On October 1, 2021, Patent Owner, Rovi Guides, Inc. (“Rovi”), filed a Request for Rehearing by the Director in each proceeding. *See, e.g.*, IPR2017-00950, Paper 47. Prior to filing those requests, via email Rovi requested authorization to file a motion to terminate, vacate, and keep the Settlement Agreement confidential. *See, e.g.*, IPR2017-00950, Ex. 3001. On November 22, 2021, an Order Denying Rovi’s Request for Rehearing by the Director (“Order on the Director Rehearing Request”) was entered in each proceeding. *See, e.g.*, IPR2017-00950, Paper 49.

Under 35 U.S.C. § 317(a), “[i]f no petitioner remains in the inter partes review, the Office may terminate the review or proceed to a final written decision under section 318(a).” The Board already has proceeded to a final written decision in each of these six cases. The Order on the Director Rehearing Request entered in each proceeding states that the Patent Trial and Appeal Board’s Final Written Decision is the final decision of the agency. *See, e.g.*, IPR2017-00950, Paper 49, 2. Therefore, under the plain language of the statute, a motion to terminate is not available under § 317(a).

The U.S. Court of Appeals for the Federal Circuit issued orders in the appeals of each proceeding, remanding the cases to the Office “for the limited purpose of allowing the parties to seek further action by the Director.” *See, e.g., Rovi Guides, Inc. v. Hirshfeld*, No. 2020-2111, ECF No. 50, at 2 (Aug. 3, 2021). The Federal Circuit’s limited remand order did not vacate the Board’s Final Written Decisions. The Order on the Director Rehearing Request also did not vacate the Board’s Final Written Decisions. Under these circumstances, Rovi’s request for authorization to file a motion to vacate in each proceeding is denied.

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It is

ORDERED that Rovi's request for authorization to file a motion to terminate, vacate, and keep the Settlement Agreement confidential in each proceeding is *denied*.

PETITIONER:

Frederic M. Meeker
Bradley C. Wright
Scott M. Kelly
Azuka C. Dike
Joshua Davenport
Camille Sauer
Jared Radkiewicz
BANNER AND WITCOFF, LTD.
fmeeker@bannerwitcoff.com
bwright@bannerwitcoff.com
skelly@bannerwitcoff.com
adike@bannerwitcoff.com
jdavenport@bannerwitcoff.com
csauer@bannerwitcoff.com
jradkiewicz@bannerwitcoff.com

PATENT OWNER:

Mark D. Rowland
Jason D. Eisenberg
Kristina Caggiano Kelly
ROPES & GRAY LLP
Mark.Rowland@ropesgray.com
jasone-PTAB@sternekessler.com
kckelly-PTAB@sternekessler.com