

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SHENZHEN KEAN SILICONE PRODUCT CO., LTD.,
Petitioner,

v.

PKOH NYC, LLC,
Patent Owner.

Case IPR2017-01327
Patent 7,959,036 B2

Before MITCHELL G. WEATHERLY, JAMES A. TARTAL,
and ROBERT L. KINDER, *Administrative Patent Judges*.

KINDER, *Administrative Patent Judge*.

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

On April 24, 2018, the Supreme Court held that a final written decision under 35 U.S.C. § 318(a) must decide the patentability of 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 1 of the challenged claims of U.S. Patent No. 7,959,036 is unpatentable. Paper 14, 44. Pursuant to the holding in *SAS*, we modify our institution decision to institute on all of the challenged claims and all of the grounds presented in the Petition.

Petitioner and Patent Owner shall meet and confer to discuss the need for additional briefing. The parties shall request a conference call with the Board to discuss any requested additional briefing within one (1) week of entry of this Order.

In consideration of the foregoing, it is hereby:

ORDERED that, we modify our Decision on Institution, which we issued pursuant to 35 U.S.C. § 314(a), 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 additional briefing, and, if so, request a conference call with the panel to seek authorization for such briefing within one week of the date of this Order.

IPR2017-01327
Patent 7,959,036 B2

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