Trials@uspto.gov
571-272-7822

Paper: 17
Entered: April 27, 2018

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CASCADES CANADA ULC and
TARZANA ENTERPRISES, LLC,
Petitioner,

v.

ESSITY HYGIENE AND HEALTH AB,[1]
Patent Owner.

Case IPR2017-01921
Patent 9,320,372 B2

Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and JON B. TORNQUIST, *Administrative Patent Judges.*

KOKOSKI, *Administrative Patent Judge.*

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

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[1] Patent Owner informs us that its name was legally changed from SCA Hygiene Products Aktiebolag, the originally-named Patent Owner in this proceeding, to Essity Hygiene and Health Aktiebolag. Paper 16, 1.

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 establish that at least one of the challenged claims of the '372 patent is unpatentable. Paper 9, 31–32. 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.

The parties remain free to stipulate to changes in the schedule under the terms of the Scheduling Order. If, after conferring, the parties wish to otherwise change the schedule or submit briefing not set forth in the Scheduling Order, 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, pursuant to 35 U.S.C. § 314(a), we modify our institution decision 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 briefing not already permitted under the Scheduling Order, and, if so, request a conference call with the panel to seek authorization for such changes or briefing within one week of the date of this Order.

IPR2017-01921
Patent 9,320,372 B2

PETITIONER:

Rudolph A. Telscher, Jr.
Daisy Manning
HUSCH BLACKWELL LLP
rudy.telscher@huschblackwell.com
daisy.manning@huschblackwell.com

PATENT OWNER:

David A. Mancino
William F. Smith
Kevin Flynn
BAKER & HOSTETLER LLP
dmancino@bakerlaw.com
wsmith@bakerlaw.com
kflynn@bakerlaw.com