

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIZIO, INC.
Petitioner,

v.

BROADCOM CORPORATION,
Patent Owner.

Case IPR2018-00013
U.S. Patent 8,284,844 B2

Before THOMAS L. GIANNETTI, PATRICK M. BOUCHER, and
NORMAN H. BEAMER, *Administrative Patent Judges*.

BEAMER, *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 '844 patent is unpatentable. Paper 16, 28. We modify our institution decision to institute on all of the challenged claims and all of the grounds presented in the Petition. Paper 1, 4–5.

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 Decision on Institution (Paper 16) is modified to include review of all challenged claims and all grounds presented in the Petition — namely, the following grounds:

- (1) claims 1–14 as anticipated under § 102(b) by Fandrianto '459;
- (2) claims 11–14 as unpatentable under § 103(a) over Fandrianto '459 in view of Fandrianto '842;
- (3) claims 1–4, 6–11, 13, and 14 as anticipated under § 102(a) or § 102(e) by Fandrianto '842; and
- (4) claims 5 and 12 as unpatentable under § 103(a) over Fandrianto '842 in view of Fandrianto '459;

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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