

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

STIHL INCORPORATED and ANDREAS STIHL AG & CO. KG,
Petitioner,

v.

ELECTROJECT TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2018-00018
Patent 6,955,081 B2

Before JOSEPH A. FISCHETTI, MEREDITH C. PETRAVICK, and
WILLIAM V. SAINDON, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

CONDUCT OF THE PROCEEDING
37 C.F.R. § 42.5

On July 3, 2018, the parties filed a motion to extend Due Dates 6 and 7. Paper 19. The parties did not seek prior authorization to file any such motion, and the motion is denied. The parties are directed to 37 C.F.R. §§ 42.20(a) & (b), and the Scheduling Order (Paper 14), for the proper course of conduct required to file a motion. Namely, a party may not file a motion without prior authorization, and if prior authorization is not already provided by Rule or Order, it must be sought via a request for a conference call. Although the Scheduling Order permits stipulated changes to Due Dates 1–5, it specifically forbids stipulated changes to Due Dates 6 and 7. Paper 14, 7.

Furthermore, 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*, 138 S.Ct. 1348, 1355 (2018). In our Decision on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would establish all challenged claims of the '081 patent are unpatentable over two grounds based on Abe, but not two grounds based on Ostdiek. Paper 13, 12–13. In light of the Guidance on the Impact of SAS on AIA Trial Proceedings posted on April 26, 2018 (at <https://www.uspto.gov/patents-application-process/patent-trial-and-appeal-board/trials/guidance-impact-sas-aia-trial>), we modify our Institution Decision to institute on *all of the grounds* presented in the Petition.

It is so ORDERED.

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