

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

UNILOC 2017 LLC,
Patent Owner.

IPR2020-00441
Patent 8,949,954 B2

Before PATRICK M. BOUCHER, STACY B. MARGOLIES, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
35 U.S.C. § 314(a)

Subsequent to the filing of the Petition and Preliminary Response in this proceeding, the Office designated as precedential *Apple Inc. v. Fintiv, Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential). In accordance with our authorization, the parties filed a Reply and a Sur-Reply

IPR2020-00441
Patent 8,949,954 B2

addressing the impact of that designation on Patent Owner's argument that we should exercise our discretion under 35 U.S.C. § 314(a) to deny the Petition in light of the advanced state of related district court litigation. Papers 8, 9.

Subsequent to that briefing, the district court issued an order transferring the district court litigation to the Northern District of California. Ex. 1034. In considering the issue raised by Patent Owner's argument, the panel would benefit from a more clear understanding of whether a schedule has been set in the transferred case, and if not, the parties' expectations regarding the case schedule. In addition, the parties should address any effect on the *NHK/Fintiv* factor of "investment in the parallel proceeding by the court and parties," including whether either party anticipates seeking to revisit issues previously decided in the Eastern District of Texas, such as claim-construction rulings.

Accordingly, it is

ORDERED that each of Petitioner and Patent Owner is authorized to file, by June 24, 2020, a paper of no more than two pages in length, summarizing its position regarding the status and anticipated progression of the transferred district court proceeding.

IPR2020-00441
Patent 8,949,954 B2

PETITIONER:

Naveen Modi
Joseph E. Palys
Daniel Zeilberger
Arvind Jairam
Jason Heidemann
PAUL HASTINGS LLP
naveenmodi@paulhastings.com
josephpalys@paulhastings.com
danielzeilberger@paulhastings.com
arvindjairam@paulhastings.com
jasonheidemann@paulhastings.com

PATENT OWNER:

Ryan Loveless
Brett Mangrum
James Etheridge
Brian Koide
Jeffrey Huang
ETHERIDGE LAW GROUP
ryan@etheridgelaw.com
brett@etheridgelaw.com
jim@etheridgelaw.com
brian@etheridgelaw.com
jeff@etheridgelaw.com