

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER, INC.,

Petitioner

v.

YOUTOO TECHNOLOGIES, LLC,

Patent Owner

Case IPR2017-00830

U.S. Patent No. 9,083,997

PATENT OWNER'S MOTION FOR STAY

LIST OF EXHIBITS

- 2001 Declaration of Michael I. Shamos, Ph.D.
- 2002 Joint Claim Construction and Prehearing Statement, Youtoo Technologies, LLC v. Twitter, Inc., Civil Action No. 3:16-cv-00764-N (filed January 26, 2017)
- 2003 Official Notice of Bankruptcy Case Filing, U.S. Bankruptcy Court for the Western District of Oklahoma, Case No., 17-14849 (filed November 30, 2017)

Pursuant to 37 C.F.R. § 42.20(b) and the Board's Order on the conduct of the proceedings entered on December 7, 2017, authorizing this motion, Patent Owner hereby moves for a stay of the above-captioned proceeding.

On November 30, 2017, Patent Owner filed a petition under 11 U.S.C. Section 301 for Chapter 7 bankruptcy in Case No. 17-14849 in the U.S. Bankruptcy Court for the Western District of Oklahoma. (Ex. 2003) Pursuant to 11 U.S.C. §362(a) (emphasis added):

Except as provided in subsection (b) of this section, a petition filed under section 301, 302, or 303 of this title ... operates as a stay, applicable to all entities, of—

(1) the commencement or continuation ... of a judicial, administrative, or other action or proceeding against the debtor that was or could have been commenced before the commencement of the case under this title....

The Patent Trial and Appeal Board is part of the Patent and Trademark Office, which is an administrative agency, and oversees administrative proceedings, including *Inter Partes* Reviews ("IPRs"), see 35 U.S.C. §§1 & 6. IPRs are thus administrative proceedings that are subject to 11 U.S. Code §362(a) (1). The Patent Owner Youtoo Technologies, LLC in the present IPR is the debtor in the bankruptcy petition. While 11 U.S.C. §362(b) sets forth exceptions to the automatic stay provisions of 11 U.S.C. §362(a) (e.g., for criminal proceedings and certain actions or proceedings pertaining to family law issues), none of the exceptions apply here. Accordingly, the filing of the bankruptcy petition operates

as an automatic stay of the continuation of the above-captioned *Inter Partes* Review.

Moreover, pursuant to 11 U.S.C. §362(c)(2):

the stay of any other act under subsection (a) of this section continues until the earliest of—

- (A) the time the case is closed;
- (B) the time the case is dismissed; or
- (C) if the case is a case under chapter 7 of this title concerning an individual or a case under chapter 9, 11, 12, or 13 of this title, the time a discharge is granted or denied....

Accordingly, Patent Owner respectfully requests that the Board grant a stay pending closing or dismissal of the bankruptcy, or lifting of the stay by the Bankruptcy Court.

Respectfully submitted,

Dated: December 13, 2017

/Spencer C. Patterson/
Spencer C. Patterson (Reg. No. 43,849)
Grable Martin Fulton PLLC
1914 Skillman St., Ste. 110-144
Dallas, TX 75206 Tel.:
(214) 396-8601
Fax.: (214) 988-0775

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e), I certify that I caused to be served on the counsel for Petitioner a true and correct copy of the foregoing "Patent Owner's Motion for Stay" by electronic means on December 13, 2017 at the following email addresses of record:

Lead Counsel	Backup Counsel
David L. McCombs HAYNES AND BOONE, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 Phone: 214-651-5533 Fax: 214-200-0853 david.mccombs.ipr@haynesboone.com	Gregory P. Huh HAYNES AND BOONE, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 Phone: 972-739-6939 Fax: 214-200-0853 <u>gregory.huh.ipr@haynesboone.com</u>
	Theodore M. Foster HAYNES AND BOONE, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 Phone: 972-739-8649 Fax: 214-200-0853 <u>ipr.theo.foster@haynesboone.com</u>
	Raghav Bajaj HAYNES AND BOONE, LLP 2323 Victory Ave. Suite 700 Dallas, TX 75219 Phone: 512-867-8520 Fax: 214-200-0853 <u>raghav.bajaj.ipr@haynesboone.com</u>

Case IPR2017-00830
Patent Owner's Motion for Stay

	Sonal Mehta DURIE TANGRI LLP 217 Leidesdorff St. San Francisco, CA 94111 Phone: 415-362-6666 Fax: 415-236-6300 SMehta@durietangri.com
--	---

Dated: December 13, 2017

/Spencer C. Patterson/

Spencer C. Patterson (Reg. No. 43,849)
Grable Martin Fulton PLLC
1914 Skillman St., Ste. 110-144
Dallas, TX 75206 Tel.:
(214) 396-8601
Fax.: (214) 988-0775