

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TWITTER, INC.,
Petitioner,

v.

STI-ACQ, LLC,
Patent Owner.

Case IPR2017-00829 (Patent 9,083,997 B2)
Case IPR2017-00830 (Patent 9,083,997 B2)
Case IPR2017-01131 (Patent 8,464,304 B2)
Case IPR2017-01133 (Patent 8,601,506 B2)¹

GRANT OF GOOD CAUSE EXTENSION
35 U.S.C. § 316(a)(11) and 37 C.F.R. § 42.100(c)

Pursuant to 35 U.S.C. § 316(a)(11), “the final determination in an inter partes review [shall] be issued not later than 1 year after the date on which the Director notices the institution of a review under this chapter, except that the Director may, for good cause shown, extend the 1-year period by not more than 6 months” The Director has delegated the

¹ This Order will be entered in each case. The parties are not authorized to use this caption style.

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authority to extend the one-year period to the Chief Administrative Patent Judge. *See* 37 C.F.R. § 42.100(c). In particular, 37 C.F.R. § 42.100(c) provides:

An *inter partes* review proceeding shall be administered such that pendency before the Board after institution is normally no more than one year. The time can be extended by up to six months for good cause by the Chief Administrative Patent Judge

In accordance with 37 C.F.R. § 42.100(c), the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision in the present proceedings.

On November 30, 2017, YouToo Technologies LLC (“YouToo”), the Patent Owner at that time, filed for bankruptcy. Ex. 2003.² Prior to and during the bankruptcy, the panel extended the schedule in these proceedings several times. In particular, on November 8, 2017, the panel extended Due Dates 1 and 2 (originally set for November 13, 2017 and February 12, 2018 respectively) at Patent Owner’s request and to allow Patent Owner time to retain new lead counsel. *See* Paper 17. Following the bankruptcy filing, Patent Owner moved to stay these proceedings, and during the pendency of the bankruptcy, the panel extended Due Dates 1 and 2 on December 7, 2017. Paper 20. The panel further extended Due Date 1 on December 28, 2017, January 19, 2018, February 26, 2018, and noted that other due dates following Due Date 1 would be reset in a future order. Papers 23, 24, 31.

² For expediency and unless otherwise noted, we refer to the papers and exhibits in IPR2017-00829.

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During the bankruptcy, the bankruptcy court approved an agreed order to sell certain of YouToo's property, including the patents challenged in these proceedings. Ex. 1029; Ex. 1032. On May 1, 2018, the bankruptcy trustee filed a report of sale indicating the challenged patents have been sold to STI-ACQ LLC ("STI-ACQ" or "Patent Owner"). IPR2017-001131, Ex. 1032. Mandatory notices were later filed indicating that STI-ACQ is now the Patent Owner and real party in interest in these proceedings. IPR2017-00829, Paper 37; IPR2017-00830, Paper 38; IPR2017-01131, Paper 37; IPR2017-01133, Paper 34. In setting the schedule in these proceedings following the sale, the panel set Due Date 1 for June 29, 2018. Paper 38, 5. In other words, the panel has extended Due Date 1 from November 13, 2017 to June 29, 2018. Papers 11, 38. On May 18, 2018, Patent Owner filed updated mandatory notices and a power of attorney, indicating that Patent Owner has retained new lead counsel. Papers 39, 40. Under the unique circumstances of these cases, including the needed extensions to Due Date 1 as well as the sale of the challenged patents to a new entity during the bankruptcy proceeding, the Chief Administrative Patent Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision.



David P. Ruschke
Chief Administrative Patent Judge

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