Trials@uspto.gov
571-272-7822

Paper No. 43
Entered: June 6, 2018

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]

Before SALLY C. MEDLEY, CHARLES J. BOUDREAU, and JESSICA C. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

ORDER
Extending One-Year Pendency for Good Cause
35 U.S.C. § 316(a)(11) and 37 C.F.R. § 42.100(c)

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

On November 30, 2017, after institution of these proceedings but before a Patent Owner Response had been filed, 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, we extended Due Dates 1 and 2 on December 7, 2017. Paper 20. We 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.

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;

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

IPR2017-01133, Paper 34. The panel held a conference call with the parties on May 3, 2018, and determined the appropriate schedule to set in these proceedings, recognizing that both parties' proposed schedules as well as the one ultimately set in our Order would require the statutory deadline to be extended for good cause in these proceedings (the one-year period normally available to issue a Final Written Decision expires on August 10, 2018 for IPR2017-00829 and IPR2017-00830 and on October 2, 2018 for IPR2017-01131 and IPR2017-01133). Paper 38. In that Order, we set Due Date 1 for June 29, 2018. *Id.* at 5. In other words, because of the unique circumstances of this case, we have 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.

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 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 Judge has determined that good cause exists to extend the one-year period for issuing a Final Written Decision here. IPR2017-00829, Paper 41; IPR2017-00830, Paper 42; IPR2017-01131, Paper 41; IPR2017-01133, Paper 38; 37 C.F.R. § 42.100(c). Accordingly, the time to administer the present proceeding is extended by up to six months.

It is

ORDERED that good cause exists to extend the time of pendency in this proceeding; and

FURTHER ORDERED that this proceeding is extended by up to six months.

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

PETITIONER:

IPR2017-00829, -00830
David McCombs
Gregory Huh
Theodore Foster
Raghav Bajaj
HAYNES AND BOONE, LLP
david.mccombs.ipr@haynesboone.com
gregory.huh.ipr@haynesboone.com
ipr.theo.foster@haynesboone.com
raghav.bajaj.ipr@haynesboone.com

IPR2017-01131, -01133
Todd Siegel
Andrew Mason
Robert T. Cruzen
KLARQUIST SPARKMAN, LLP
todd.siegel@klarquist.com
andrew.mason@klarquist.com
rob.cruzen@klarquist.com

PATENT OWNER:

Scott McKeown
ROPES & GRAY LLP
scott.mckeown@ropes.gray.com
Spencer C. Patterson
GRABLE MARTIN FULTON PLLC
patterson@gchub.com
Stephen L. Levine
CARRINGTON, COLEMAN, SLOMAN & BLUMENTHAL, L.L.P.
slevine@ccsb.com