

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABS GLOBAL, INC,
Petitioner,

v.

XY, LLC,
Patent Owner.

Case IPR2017-02184
Patent 7,208,265 B1

Before GRACE KARAFFA OBERMANN, SUSAN L. C. MITCHELL, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5

On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on less than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at *10 (U.S. Apr. 24, 2018). In our institution decision, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one challenged claim of U.S. Patent 7,208,265 B1 is unpatentable. Paper 10, 20, 27. We modify our institution decision to institute on all challenged claims and all grounds of unpatentability presented in the Petition.

The parties shall confer to discuss the impact, if any, of this Order on the current schedule. If, after conferring, the parties wish to change the schedule, beyond that permitted by stipulation under the scheduling order, or submit further briefing, the parties must, within one week of the date of this Order, request a conference call with the panel to seek authorization for such changes or briefing.

It is

ORDERED that our institution decision is modified to include review of all challenged claims and all grounds of unpatentability presented in the Petition; and

FURTHER ORDERED that Petitioner and Patent Owner shall confer to determine whether they desire any changes to the schedule, which are not authorized by stipulation under the scheduling order, or any further briefing, and, if so, shall request a conference call with the panel to seek authorization for such changes or briefing within one week of the date of this Order.

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