

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FACEBOOK, INC.,
Petitioner,

v.

SILVER STATE INTELLECTUAL TECHNOLOGIES, INC.,
Patent Owner.

Case IPR2018-00889
Patent 7,343,165 B2

Before KALYAN K. DESHPANDE and KAMRAN JIVANI,
Administrative Patent Judges.

PER CURIAM

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

On May 25, 2018, Judges Deshpande, Evans, and Jivani held a telephone conference call with Petitioner and Patent Owner. The Petition in this matter stated that U.S. patent No. 7,343,165 (“the ’165 patent”), and related U.S. Patent No. 8,892,117 (“the ’117 patent”), are the subject of currently-pending litigation involving Petitioner, entitled: *Silver State Intellectual Technologies, Inc. v. Facebook Inc.*, 4:17-cv-03349-JSW (N.D. Cal.).¹ Pet. 1.

During the conference call, the parties indicated that, on March 23, 2018, the Northern District of California held that all of the claims of the ’117 patent and ’165 patent are invalid. *Id.* Accordingly, Petitioner and Patent Owner requested authorization to file a joint motion to terminate proceedings in IPR2018-00888 and IPR2018-00889. Based on the information provided by the parties, we grant the parties request for authorization to file a joint motion to terminate.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner and Petitioner’s request to file a joint motion to terminate is granted;

¹ In addition, the ’165 patent has been the subject of the following litigation in the District Court for the District of Nevada (*Id.* at 2): *Silver State Intellectual Technologies, Inc. v. Foursquare Labs, Inc.*, 2:12-cv-01308-GMN-PAL (D. Nev.); *Silver State Intellectual Technologies, Inc. v. Garmin International, Inc.*, 2:11-cv-01578-GMN-PAL (D. Nev.); and *Silver State Intellectual Technologies, Inc. v. TomTom, Inc.*, 2:11-cv-01581-PMP-PAL (D. Nev.).

FURTHER ORDERED that Petitioner will file the joint motion to terminate within one week of the mailing date of this Order; and

FURTHER ORDERED that the joint motion to terminate is filed with the opinion of the District Court holding all claims of the '117 and '195 patents invalid as an exhibit.

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