

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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EBAY, INC.,  
Petitioner,

v.

LEXOS MEDIA IP, LLC,  
Patent Owner.

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IPR2024-00337  
Patent 6,118,449

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Before PHILLIP J. KAUFFMAN, JEFFREY S. SMITH, and  
SHARON FENICK, *Administrative Patent Judges*.

FENICK, *Administrative Patent Judge*.

DECISION  
Granting Institution of *Inter Partes* Review  
35 U.S.C. § 314  
Granting Motion for Joinder  
35 U.S.C. § 315(c); 37 C.F.R. § 42.122

## I. INTRODUCTION

Lexos Media IP, LLC (“Patent Owner”) is the owner of U.S. Patent 6,118,449 (“the ’449 patent”). Paper 5, 1. On December 20, 2023, eBay Inc. (“Petitioner”) filed a Petition for *inter partes* review challenging the patentability of claims 1, 27, 38, and 53 of the ’449 patent. Paper 2 (“Pet.”). The same day, Petitioner filed a Motion for Joinder, seeking that this proceeding be joined with pending *inter partes* review IPR2023-01001 (“01001 IPR”). Paper 3 (“Mot.” or “Motion”). After requesting and receiving a one week extension of time, Patent Owner filed an Opposition to the Motion on January 26, 2024. Paper 7 (“Opp.”). Petitioner filed a Reply to the Opposition on February 1, 2024. Paper 8 (“Reply”).

Petitioner represents that the instant Petition “is substantively identical” to the 01001 IPR, “containing only minor differences unrelated to the merits of the proposed grounds.” Mot. 7. Petitioner contends that it stands ready to maintain the schedule in the 01001 IPR should we join Petitioner to the 01001 IPR, in which a motion for termination has been filed by the petitioner in that proceeding and Patent Owner. Reply 5; *see* IPR2023-01001, Paper 11 (Joint Motion to Terminate).

In the interest of more quickly resolving the questions of institution and joinder, we issued an order accelerating the timeframe for the preliminary response or for waiving a preliminary response. Paper 9. Patent

Owner timely filed its Preliminary Response<sup>1</sup> within that shortened timeframe. Paper 10 (“PO Prelim. Resp.” or “Preliminary Response”).

The Board has authority to determine whether to institute an *inter partes* review. See 35 U.S.C. § 314(b); 37 C.F.R. § 42.4(a) (2020). Under 35 U.S.C. § 314(a), an *inter partes* review may not be authorized unless the information in the Petition and any preliminary response “shows that there is a reasonable likelihood that the petitioner would prevail with respect to at least 1 of the claims challenged in the petition.”

For the reasons that follow, we institute an *inter partes* review as to the challenged claims of the ’449 patent on all grounds of unpatentability presented. We also *grant* Petitioner’s Motion.

## II. INTER PARTES REVIEW

### A. *Real Parties In Interest*

Petitioner identifies only itself as a real party in interest. Pet. 1.

Patent Owner identifies only itself as the real party in interest. Paper 5 (Patent Owner’s Mandatory Notices), 1.

Neither party challenges the other party’s identification.

### B. *Related Matters*

In addition to the 01001 IPR, Petitioner identifies IPR2023-01000, IPR2024-00336, and IPR2018-01755 as related. Pet. 2, 6–7. Additionally, Petitioner identifies as related:

(1) *Lexos Media IP, LLC v. eBay, Inc.*, 3:23-cv-6314 (N.D. Cal.);

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<sup>1</sup> Patent Owner styles its Preliminary Response as a “Preliminary Response to eBay’s Petitions and Motions for Joinder to *Inter Partes* Review,” however any response to Petitioner’s Motion for Joinder should have been included in the Opposition. 35 U.S.C. § 313; 37 C.F.R. §§ 42.22–42.25, 42.107.

- (2) *Lexos Media IP, LLC v. Amazon.com, Inc.*, No. 2:22-cv-00169 (E.D. Tex.);
- (3) *Lexos Media IP, LLC v. Walmart Inc.*, No. 2:22-cv-00316 (E.D. Tex.);
- (4) *Lexos Media IP, LLC v. Overstock.com, Inc.*, No. 2:22-cv-02324 (D. Kan.);
- (5) *Lexos Media IP, LLC v. Nike, Inc.*, No. 2:22-cv-00311 (E.D. Tex.);
- (6) *Lexos Media IP, LLC v. Gap Inc.*, No. 2:22-cv-00299 (E.D. Tex.);
- (7) *Lexos Media IP, LLC v. Ulta Beauty, Inc.*, 2:22-cv-00292 (E.D. Tex.);
- (8) *Lexos Media IP, LLC v. Office Depot, LLC*, No. 2:22-cv-00273 (E.D. Tex.); and
- (9) *Lexos Media IP, LLC v. Target Corp.*, No. 2:22-cv-00175 (E.D. Tex.). Pet. 3; *see also* Pet. 3–6 (listing terminated cases).

Patent Owner identifies (1) and (3)–(7) listed above and *Lexos Media IP, LLC v. MSC Industrial Direct Co.*, No. 3:22-cv-01736 (N.D. Tex.) as related. Paper 5, 1.

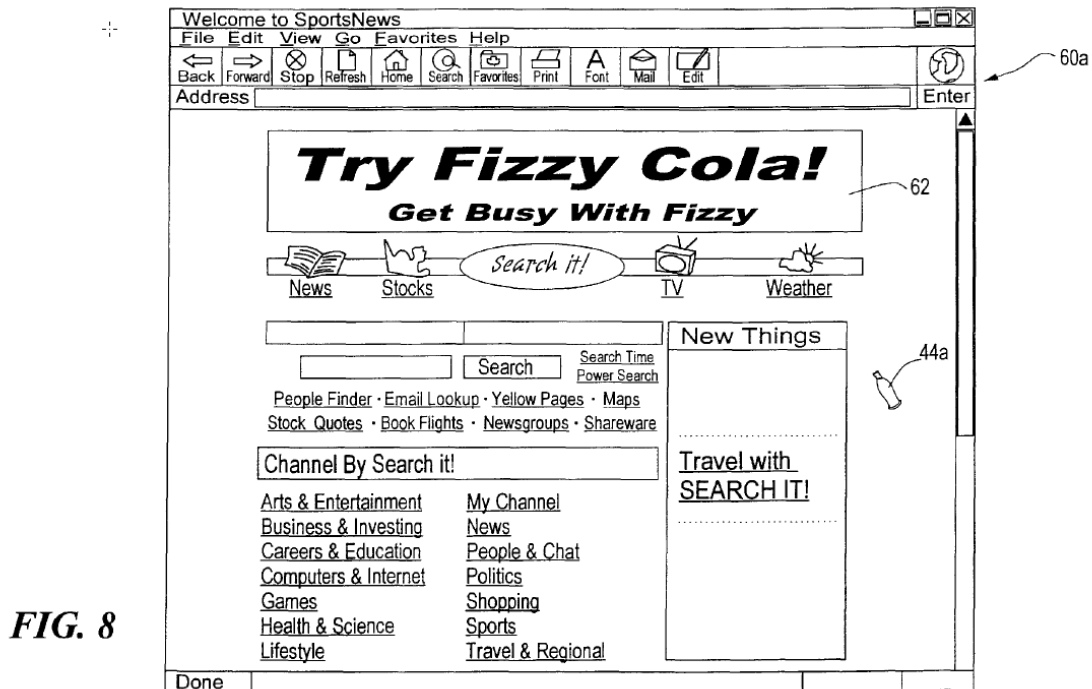
*C. The '449 Patent (Ex. 1001)*

The '449 patent is directed to “[a] system for modifying a cursor image, as displayed on a video monitor of a remote terminal, to a specific image having a desired shape and appearance.” Ex. 1001,<sup>2</sup> code (57). The context of the invention relates to a graphical user interface in which a

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<sup>2</sup> Following the practice of both parties in the 01001 IPR, Petitioner references the specification of U.S. Patent No. 5,995,102 (Ex. 1001, “the '102 patent”), parent to the '449 patent, rather than the '449 patent itself. Pet. 2 n.2. We follow this practice for this Decision.

pointing device (e.g., a mouse) is used by the user to navigate a video display, and in which movement of the pointing device is indicated by a corresponding movement of a cursor on the video display. *Id.* at 3:22–26, 8:24–37. A generic cursor may be an arrow, pointing hand, hourglass, etc. *Id.* at 3:57–61. The '449 patent relates to changing that generic cursor by sending data and control signals from a remote computer to replace such a cursor with a cursor having an appearance that is associated with other content being displayed to the user, e.g., a logo, mascot, or an image of a product or service, related to the other content being displayed to the user. *Id.* at 3:4–9, 17:5–18:3. Figure 8 of the '449 patent, reproduced below, shows a web page according to the invention.



In Figure 8, shown above, web page 60a is displayed to a user, including banner ad 62 for cola. *Id.* at 5:30–32, 13:31–41. The cursor to be used with

this web page changes from a standard cursor (e.g., an arrow) to cola-bottle-shaped cursor 44a in association with the banner ad 62. *Id.*

The '449 patent describes interactions between a server system and a user's terminal to effect the cursor change. *Id.* at 4:4–9, 5:37–65, 7:16–40. The user terminal is controlled by an operating system (“OS”), and application programs such as a browser running on the user terminal use an application programming interface (“API”) to interface with the OS. *Id.* at 7:29–40, Fig. 2.

The server system transmits specified content information to the user terminal, including information to be displayed on the user's computer (such as a hypertext markup language (“HTML”) web page), cursor display instruction, and cursor display code. *Id.* at 8:4–23. The cursor display instruction indicates where the cursor image data corresponding to the new appearance of the cursor resides. *Id.* at 8:49–64. The cursor display code causes the user's terminal to display that cursor image data in place of the original cursor, using the API of the operating system to effect these changes. *Id.* at 8:34–37, 8:52–57, 13:19–30.

#### *D. Challenged Claims*

Claims 1 and 53 are independent. Claim 38 depends from claim 27. As discussed in the institution decision in the 01001 IPR, claim 27, while listed as being challenged, has been cancelled. 01001 IPR, Paper 9, 8–10.

Claim 1 is reproduced below.

1. A server system for modifying a cursor image to a specific image having a desired shape and appearance displayed on a display of a remote user's terminal, said system comprising:

[a] cursor image data corresponding to said specific image

- [b] cursor display code, said cursor display code operable to modify said cursor image; and
- [c.i] a first server computer for transmitting specified content information to said remote user terminal [c.ii] said specified content information including at least one cursor display instruction indicating a location of said cursor image data, [c.ii] said cursor display instruction and said cursor display code operable to cause said user terminal to display a modified cursor image on said user's display in the shape and appearance of said specific image, [c.iii.1] wherein said specified content information is transmitted to said remote user terminal by said first server computer responsive to a request from said user terminal for said specified content information, [c.iii.2] and wherein said specified content information further comprises information to be displayed on said display of said user's terminal, [c.iv] said specific image including content corresponding to at least a portion of said information to be displayed on said display of said user's terminal, and wherein said cursor display code is operable to process said cursor display instruction to modify said cursor image to said cursor image in the shape and appearance of said specific image in response to movement of said cursor image over a display of said at least a portion of said information to be displayed on said display of said user's terminal, and wherein said specific image relates to at least a portion of said information to be displayed on said display of said remote user's terminal.

Ex. 1002, 18:39–19:6.

*E. Evidence*

Petitioner relies on the following patent evidence.

Name	Patent Document	Exhibit
Nakagawa et al. ("Nakagawa")	U.S. Patent No. 5,835,911	Ex. 1005

Nielsen	U.S. Patent No. 5,937,417	Ex. 1006
Malamud et. al. ("Malamud")	U.S. Patent No. 6,437,800 B1	Ex. 1004

Petitioner also relies on a declaration from Dr. Craig Rosenberg (Ex. 1003).

#### *F. Asserted Grounds*

Petitioner asserts that claims 1, 27,<sup>3</sup> 38, and 53 would have been unpatentable on the following grounds:

<b>Claim(s) Challenged</b>	<b>35 U.S.C. §<sup>4</sup></b>	<b>Reference(s)/Basis</b>
1, 27, 53	103	Malamud
1, 27, 53	103	Malamud, Nakagawa
1, 27, 38, 53	103	Nielsen, Malamud

#### *G. Analysis*

We instituted an *inter partes* review in the 01001 IPR on all challenged claims and all asserted grounds of unpatentability. 01001 IPR, Paper 9 (institution decision); *see also* 01001 IPR, Paper 2 (the “01001 petition”). Petitioner here challenges the same claims and asserts the same grounds of unpatentability as those on which we instituted the 01001 IPR. *Compare* Pet. 9, with 01001 IPR, Paper 2, 6; *see also* Pet. 1 (asserting that “[t]he instant Petition is a copycat of the petition filed in the [01001] IPR”); Mot. 4 (asserting that the Petition “does not present any new grounds of unpatentability; rather it is substantively identical to the [01001] Petition”), 7

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<sup>3</sup> As discussed above, claim 27 has been cancelled.

<sup>4</sup> The Leahy-Smith America Invents Act (“AIA”), Pub. L. No. 112-29, 125 Stat. 284, 287–88 (2011), amended 35 U.S.C. § 103. Because the claims were issued before the effective date of the AIA’s amendments to 35 U.S.C. § 103, we apply the pre-AIA version of § 103 in this Decision. *See* Ex. 1002, code (45).



(asserting that the Petition “involves the same patent, challenges the same claim, relies on the same expert declaration, and is based on the same grounds and combinations of prior art submitted in the [01001] Petition”). As indicated, Petitioner also relies on the same declarant as did the petitioner in the 01001 IPR. Mot. 7; *compare* Ex. 1003 (Declaration of Dr. Craig Rosenberg), *with* 01001 IPR, Ex. 1003 (same).

In addition to arguments relating more properly to the propriety of granting the Motion for Joinder, Patent Owner, in its Preliminary Response, presents arguments similar to those presented in the 01001 IPR. *Compare* PO Prelim. Resp. 9–14<sup>5</sup>, 16–19 (arguing that Malamud does not teach an application providing specified content information that includes information that is to be displayed on a display of a user’s terminal because that content is provided by a Windows operating system and that the application would not contain the files and icons) *with* 01001 IPR, Paper 8 (01001 IPR Preliminary Response), 38–41, 45–51 (arguing that Malamud’s application does not include the specific images displayed because they would be unknown at the time of download); *compare* PO Prelim. Resp. 19–20 (relating to the Petition’s grounds asserting unpatentability over a combination of Malamud and Nakagawa and asserting the same deficiencies with Malamud) *with* 01001 IPR, Paper 8, 55–57 (same). Patent Owner argues that in the Preliminary Response the “substantive failings of Malamud are being brought into better focus” (PO Prelim. Resp. 1) but it is

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<sup>5</sup> Patent Owner argues that the 01001 IPR institution decision “did not address the testimony of Dr. Shamos” provided in Ex. 2002, but this testimony was not before the Board in the 01001 IPR and the Preliminary Response does not discuss this testimony other than in this argument regarding the prior institution decision. PO Prelim. Resp. 14.

not apparent to us that new arguments are being made against the grounds in the Petition, and Patent Owner does not cite new evidence with respect to its arguments regarding Malamud.

With respect to obviousness over Malamud and obviousness over Malamud and Nakagawa, because the grounds of unpatentability in the instant Petition are identical to those in the 01001 IPR, for the same reasons stated in our Decision to Institute in the 01001 IPR we institute *inter partes* review. *See* 01001 IPR, Paper 10, 22–32 (analyzing the Malamud and Malamud and Nakagawa challenges in the 01001 petition).

With respect to obviousness over Nielsen and Malamud, Patent Owner argues that Nielsen relies on the HTML protocol and modifications would require changes to the HTML protocol to provide tooltips that appear as part of a cursor, but that Petitioner did not adequately address the real possibility of such a change. PO Prelim. Resp. 21–24. Patent Owner additionally argues that there would not have been a motivation to make changes to Nielsen, because, in Nielsen, the tooltip is not “indiscriminately and automatically displayed in response to cursor movement” but rather is displayed only after cessation of movement over a part of the display with an associated tooltip. *Id.* at 24–25 (emphasis removed). These arguments are similar to those made in the preliminary response in the 01001 IPR. *See* 01001 IPR, Paper 8, 59–61. In the institution decision in the 01001 IPR, we did not determine whether a likelihood of success had been shown for the Nielsen and Malamud ground, but provided initial views for the benefit of the parties, which are applicable in this proceeding as well. 01001 IPR, Paper 10, 34–35. As discussed above, we have made the decision to institute on other grounds, and we note that our institution is necessarily on

all grounds in the Petition. *See SAS Inst., Inc. v. Iancu*, 138 S. Ct. 1348, 1359–60 (2018); 37 C.F.R. § 42.108(a) (“When instituting ... review, the Board will authorize the review to proceed on all of the challenged claims and on all grounds of unpatentability asserted for each claim.”).

### III. MOTION FOR JOINDER

Joinder in an *inter partes* review is subject to the provisions of 35 U.S.C. § 315(c):

(c) JOINDER.—If the Director institutes an *inter partes* review, the Director, in his or her discretion, may join as a party to that *inter partes* review any person who properly files a petition under section 311 that the Director, after receiving a preliminary response under section 313 or the expiration of the time for filing such a response, determines warrants the institution of an *inter partes* review under section 314.

To join Petitioner to the instituted 01001 IPR, the Board first determines whether the Petition “warrants” institution under § 314, which we determined above. *See Facebook, Inc. Windy City Innovations, LLC*, 973 F.3d 1321, 1332 (Fed. Cir. 2020).

The Board next determines whether to exercise “discretion to decide whether to ‘join as a party’ the joinder applicant,” who is the Petitioner in this proceeding. *Id.* Petitioner timely filed its Motion for Joinder on December 20, 2023 (i.e., within one month after the institution of the 01001 IPR on December 12, 2023). *See* Mot.; 01001 IPR, Paper 9; 37 C.F.R. § 42.122(b). As moving party, Petitioner bears the burden of proving that it is entitled to the requested relief. 37 C.F.R. § 42.20(c). In deciding whether to join a case, we consider (1) the reasons why joinder is appropriate, (2) whether the petition raises any new grounds of unpatentability, (3) any impact that joinder would have on the cost and trial

schedule for the existing review, and (4) whether joinder will add to the complexity of briefing or discovery. *Kyocera Corp. v. Softview LLC*, IPR2013-00004, Paper 15, 4 (PTAB Apr. 24, 2013); Patent Trial and Appeal Board, Consolidated Trial Practice Guide, 76 (Nov. 2019), <https://www.uspto.gov/sites/default/files/documents/tpgnov.pdf>.

The Petition (1) is substantially identical to the 01001 IPR petition, (2) contains the same grounds based on the same evidence, and (3) relies on the same declaration of Dr. Craig Rosenberg. (Ex. 1003). Mot. 1, 7–10 & n.1. Petitioner represents that joinder will not impact the 01001 IPR schedule. *Id.* at 4; Reply 5. Petitioner also represents that it will accept an “understudy” role unless and until [the 01001 petitioner] is terminated from the proceeding. Mot. 4, 9–10. Petitioner represents that in its understudy role, it agrees that the following conditions will apply: (a) all filings by Petitioner in the joined proceeding be consolidated with the filings of the petitioner in the 01001 IPR, unless a filing solely concerns issues that do not involve the petitioner in the 01001 IPR; (b) Petitioner shall not be permitted to raise any new grounds not already instituted by the Board in the 01001 IPR, or introduce any argument or discovery not already introduced by petitioner in the 01001 IPR; (c) Petitioner shall be bound by any agreement between Patent Owner and the petitioner in the 01001 IPR concerning discovery and/or depositions; and (d) Petitioner at deposition shall not receive any direct, cross-examination or redirect time beyond that permitted petitioner in the 01001 IPR alone under either 37 C.F.R. § 42.53 or any agreement between Patent Owner and petitioner in the 01001 IPR. Mot. 9–10.

Patent Owner argues that Petitioner is time-barred from seeking *inter partes* review of the '449 patent and is “improperly using the joinder procedure in an attempt to circumvent” the one-year time bar set forth in 35 U.S.C. § 315(b). Opp. 1, 7–8. However, Patent Owner does not persuasively explain, and we do not discern, how filing a petition with a request for joinder properly under 37 C.F.R. § 42.122(b) is an improper use of the joinder procedure to circumvent the one-year time bar. 37 C.F.R. § 42.122(b) (providing that joinder must be filed no later than one month after the institution date of the *inter partes* review for which joinder is requested and that the one-year time bar (§ 42.101(b)) “shall not apply when the petition is accompanied by a request for joinder.”)

The parties discuss the precedential decision on *sua sponte* Director Review in *Code200 v. Bright Data Ltd.*, IPR2022-00861, Paper 18 (Office of the Director of the USPTO Aug. 23, 2022) (precedential) (“*Code200*”). Mot. 4–6, 11–13; Opp. 13–14; Reply 2–4; PO Prelim. Resp. 7. Certain facts before us are not directly analogous to those in the *Code200* proceeding, as the decision vacated in *Code200* denied a joinder petition under the 35 U.S.C. § 314(a) under the Board’s discretion to deny institution after considering the factors as set forth in *General Plastic Indus. Co. v. Canon Kabushiki Kaisha*, IPR2016-01357, Paper 19 (PTAB Sept. 6, 2017) (precedential as to § II.B.4.i) (“*General Plastic*”). Here the *General Plastic* factors are not at issue; Petitioner here is not filing this Petition as a follow-on to prior petitions filed by Petitioner challenging claims of the same patent. *See General Plastic* 2–3, 15–19. To the extent that Patent Owner contends that *Code200* requires us to grant joinder only upon a finding of “compelling evidence of invalidity” or that anticipation grounds have been

asserted, we disagree. *See* PO Prelim. Reply 3–4, 7–9 (citing IPR2022-00861, Paper 19). The argument that we must use a “compelling” standard is based on language in the subsequent *Code200* decision evaluating the factors recited in our precedential decision in *Apple Inc. v. Fintiv Inc.*, IPR2020-00019, Paper 11 (PTAB Mar. 20, 2020) (precedential) (“*Fintiv*”). *See* IPR2022-00861, Paper 19, 11–14 (PTAB October 19, 2022). *Fintiv* is also not at issue here. PO Prelim. Resp. 2 (“Patent Owner will not, in this proceeding, rely on the *Fintiv* factors.”)

Patent Owner argues that joinder would add unnecessary procedural complexity and delay to the completion of the IPR proceedings, because the parties in the 01001 IPR have settled and, therefore, “[i]f joinder were granted, [Petitioner,] rather than serving an ‘understudy’ role, would serve in the primary role to continue proceedings that would otherwise be terminated completely.” Opp. 2–3. Patent Owner argues, in addition, that we should not allow joinder because public policy favors settlement between the parties to a proceeding, and even at the time of the filing of the Petition and Motion Petition in this proceeding was aware that a settlement was likely imminent. *Id.* at 6–7, 8–10. Patent Owner cites our precedential decision in *Apple Inc. v. Uniloc 2017 LLC*, IPR2020-00854, Paper 9 (PTAB Oct. 28, 2020) (“*Apple / Uniloc*”) as standing for the proposition that “claims of assuming an ‘understudy’ role in an ongoing proceeding subject to a settlement by the original parties to the proceeding should be rejected.” *Id.* at 12–13. However, that case also applied the *General Plastic* factors and concluded that the situation involved multiple, staggered petitions by the same petitioner and that *General Plastic* applies to petitions filed with a motion for joinder. *Apple / Uniloc*, 4–7. Here, again, there is no contention the

Petition is a follow-up petition or that application of *General Plastic* is warranted.

Patent Owner additionally cites several non-precedential instances in which joinder motions were denied in the face of a settlement in the proceeding to which joinder was requested. *Id.* at 9–13 (citing *ZTE (USA) LLC v. Seven Networks*, IPR2019-00460, Paper 18 (PTAB June 6, 2019) (“*ZTE / Seven*”); *ZTE USA, Inc. v. Parthenon Unified Memory Architecture LLC*, IPR2016-00664, Paper 10 (PTAB June 8, 2016) (“*ZTE / Parthenon*”); *LG Elec., Inc. v. Cellular Commc’ns Equip. LLC*, IPR2016-00711, Paper 7 (PTAB May 13, 2016) (“*LG Elec.*”); *CommScope, Inc. v. TQ Delta, LLC*, IPR2022-01443, Paper 13 (PTAB Dec. 13, 2022) (“*CommScope*”). In each of these, however, the proceeding to which joinder had been requested had already been terminated. *ZTE / Seven*, 5; *ZTE / Parthenon*, 5; *LG Elec.*, 3; *CommScope*, 4. Patent Owner argues that this should become a case like those – that we should grant the motion to terminate in the 01001 IPR consistent with the policy reasons that favor settlement, and then this proceeding would be in a similar posture. Opp. 2. Alternatively, Patent Owner argues that the imminent termination should guide us to not grant joinder, because of that policy favoring settlement. *Id.* However, we agree with Petitioner that *Code200* is instructive in presenting a situation, in which the petitioner and patent owner in the proceeding to be joined had settled (*Code200 v. Bright Data Ltd.*, IPR2022-00861, Paper 17, 5 (PTAB July 25, 2022) (vacated)) and in which the Director nevertheless vacated a decision to deny a motion for joinder. *Code200*, 7. Furthermore, we take note of the emphasis in *Code200* on “the Board’s mission to improve patent quality and restore confidence in the presumption of validity that comes with issued

patents” and “the benefits to the patent system of improving patent quality by reviewing the merits of the challenges raised in . . . petitions.” *Code200*, 6. Those public policy considerations weigh heavily in this case.

A grant of joinder would not implicate any issues of cooperation or duplication, as Petitioner here has agreed to serve as an understudy unless and until the petitioner in the 01001 IPR is terminated from that proceeding, and if that occurs, Petitioner will be the lead (and sole) petitioner in the 01001 IPR. Additionally, pursuant to 35 U.S.C. § 316(11), maintaining the previously-set trial schedule in the 01001 IPR is not necessary when joinder is granted. See also 37 C.F.R. § 42.100(c). Even so, we anticipate that we would be able to conclude the 01001 IPR proceeding with a final written decision within one year of institution, given the possibility of stipulations among the parties to change certain dates in the scheduling order and our ability to make some additional changes in the scheduling order in that proceeding while still allowing time for us to issue a decision in that timeframe.

For these reasons, we grant Petitioner’s Motion for Joinder and join Petitioner to IPR2023-01001, subject to the conditions set forth above.

#### ORDER

Accordingly, it is:

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review is hereby instituted as to claims 1, 38, and 53 of the ’449 patent on all the grounds set forth in the Petition;

FURTHER ORDERED that, pursuant to 35 U.S.C. § 315(c) and 37 C.F.R. § 42.122, Petitioner’s Motion for Joinder is granted, and Petitioner is



joined as a petitioner in IPR2023-01001, subject to the above-described limitations on Petitioner's participation in that proceeding;

FURTHER ORDERED that the asserted grounds of unpatentability on which the Board instituted *inter partes* review in IPR2023-01001 are unchanged and remain the only instituted grounds;

FURTHER ORDERED that the Scheduling Order IPR2023-01001, and any modifications thereto, shall govern the schedule of the proceeding;

FURTHER ORDERED that all further filings are to be made in IPR2023-01001;

FURTHER ORDERED that the case caption in IPR2023-01001 for all further submissions shall be modified to add eBay, Inc. as a named Petitioner via footnote indicating the joinder of Petitioner as a party to that proceeding, as indicated in the attached sample case caption;<sup>6</sup> and

FURTHER ORDERED that a copy of this Decision shall be entered into the record in IPR2023-01001.

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<sup>6</sup> The parties shall modify the caption as appropriate in the event the Board terminates the petitioner in IPR2023-01001—i.e., replacing Amazon.com Inc. with eBay, Inc.

IPR2024-00337  
Patent 6,118,449

FOR PETITIONER

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IPR2024-00337  
Patent 6,118,449

Sample Case Caption

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AMAZON.COM, INC.,<sup>7</sup>  
Petitioner,  
v.  
DALI WIRELESS INC.,  
Patent Owner.

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IPR2023-01001  
Patent 6,118,449

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<sup>7</sup> The Board joined eBay, Inc. as (Petitioner) party to this proceeding in IPR2024-00337.