

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDERSECRETARY AND DIRECTOR
OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

OPENSKY INDUSTRIES, LLC,
Petitioner,

v.

VLSI TECHNOLOGY LLC,
Patent Owner.

IPR2021-01064
Patent 7,725,759 B2

Before KATHERINE K. VIDAL, *Under Secretary of Commerce for
Intellectual Property and Director of the United States Patent and
Trademark Office.*

ORDER

On December 23, 2021, the Patent Trial and Appeal Board (“Board”) issued a Decision granting institution of an *inter partes* review of claims 1, 14, 17, 18, 21, 22, and 24 of U.S. Patent No. 7,725,759 B2 (“the ’759 patent”). Paper 17 (“Institution Decision”). VLSI Technology LLC (“Patent Owner”) subsequently filed a rehearing request and a request for Precedential Opinion Panel (“POP”) review. *See* Paper 20; Ex. 3002. Concurrent with this Order, the POP has dismissed the requests for rehearing and POP review.

I have reviewed the Board’s Institution Decision, the Papers, and the Exhibits of record in this proceeding. I determine that Director review of the Board’s Institution Decision is appropriate because this case raises novel issues of law and policy, as well as issues of particular importance to the Office and the patent community. *See Interim process for Director review*¹ Question 10 (setting forth issues that may warrant Director review), Question 22 (providing for sua sponte Director review of institution decisions in AIA proceedings and explaining that “the parties to the proceeding will be given notice” if Director review is initiated sua sponte). At this time, the case is not stayed and will proceed with the original panel according to the issued Scheduling Order. *See* Paper 18. I will issue an Order in due course setting forth a schedule for the Director review that includes dates for party and amicus briefing.

Accordingly, based on the foregoing, it is:

ORDERED that a sua sponte Director review of the Board’s Institution Decision (Paper 17) is initiated;

¹ Available at <https://www.uspto.gov/patents/patent-trial-and-appeal-board/interim-process-director-review>.

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FURTHER ORDERED that, at this time, the case is not stayed and will proceed with the original panel according to the issued Scheduling Order; and

FURTHER ORDERED that a schedule including dates for party and amicus briefing will issue in due course.

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