

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOPRO, INC.,
Petitioner,

v.

360HEROS, INC.,
Patent Owner.

Case IPR2018-01754
Patent 9,152,019 B2

Before ANDREI IANCU, *Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office*,
ANDREW HIRSHFELD, *Commissioner for Patents*, and SCOTT R. BOALICK,
Chief Administrative Patent Judge.

PER CURIAM.

ORDER

360Heros, Inc. (“Patent Owner”) requests rehearing and Precedential Opinion Panel (“POP”) review of the Patent Trial and Appeal Board (“Board”) Decision instituting an *inter partes* review of U.S. Patent No. 9,152,019 B2. *See* Paper 19; Ex. 3002.

Pursuant to Standard Operating Procedure 2 (“SOP 2”),¹ the Precedential Opinion Panel (“POP”) has determined that this case warrants review. A POP review is appropriate to address the following issue:

Whether the service of a pleading asserting a claim alleging infringement, where the serving party lacks standing to sue or the pleading is otherwise deficient, triggers the 1 year time period for a petitioner to file a petition under 35 U.S.C. § 315(b).

Accordingly, a POP review of the Board’s Decision instituting an *inter partes* review is ordered. SOP 2, 3–7.

GoPro, Inc. (“Petitioner”) and Patent Owner are authorized to simultaneously submit additional briefing, limited to the issue above, of no more than fifteen (15) pages each, due on May 24, 2019. The parties are instructed to discuss whether an oral hearing is necessary within the additional briefing.

Additionally, any *amicus curiae* are authorized to submit a brief to trials@uspto.gov, limited to the issue identified above, of no more than fifteen (15) pages and due on May 24, 2019. The *amicus curiae* briefs will be entered into the record by the Board.

Petitioner and Patent Owner are further authorized to file simultaneous responses to Patent Owner’s and Petitioner’s additional briefing, respectively, of no more than ten (10) pages each, due on June 3, 2019. The parties also may respond to the *amicus curiae* briefing in their responses.

¹ Available at <https://go.usa.gov/xPMqx>.

Accordingly, based on the foregoing and pursuant to SOP 2, it is:

ORDERED that the Board's Decision instituting an *inter partes* review is submitted for POP review on the issue and schedule identified above; and

FURTHER ORDERED that, unless otherwise delegated, the POP will maintain authority over all issues in this case.

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For PETITIONER

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