

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

WILDSEED MOBILE, LLC,
Patent Owner.

IPR2023-00247
Patent 10,869,169 B2

Before KARL D. EASTHOM, TERRENCE W. McMILLIN, and
MICHAEL T. CYGAN, *Administrative Patent Judges*.

CYGAN, *Administrative Patent Judge*.

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

DISCUSSION

On March 23, 2026, the Court of Appeals for the Federal Circuit issued a mandate on its February 13, 2026 judgment vacating the Board's obviousness determination as to claim 15 and remanding for further proceedings consistent with the opinion. Paper 35, 1; Paper 36, 6–7. On April 3, 2026, the parties Google LLC and Wildseed Mobile, LLC jointly requested a telephone conference with the Board to discuss the nature of further proceedings consistent with the Federal Circuit's opinion. *See* Consolidated Trial Practice Guide § II.O.¹ Such a conference was held on April 9, 2026, with Calmann Clements and Andrew Ehmke representing Petitioner Google LLC and Steven Pappas representing Patent Owner Wildseed Mobile, LLC.

During the teleconference the parties jointly proposed further briefing, with a page limit of 7 (seven) pages for each brief, with no new evidence permitted and no further oral argument sought. The parties differed on whether such briefing should occur simultaneously or sequentially. Petitioner requested that if the Board determines that sequential briefing is appropriate, that Petitioner be permitted a Reply to Patent Owner's brief. Patent Owner requested that it be permitted a Sur-reply if such a Reply is permitted. Both parties agreed that if sequential briefing is authorized, Petitioner's brief should be due 10 (ten) business days from the date the Order setting forth the conduct of the proceeding is entered, and that Patent Owner's brief should be due 10 (ten) business days from the date that Petitioner's brief is filed.

¹ Available at <https://www.uspto.gov/patents/ptab/trial-practice-guide>.

We have considered the parties’ request in view of the scope of the remand, which is limited to the question of obviousness of claim 15 of the patent at issue, U.S. Patent 10,869,169 B2, with respect to the “IM limitation” of that claim. Paper 36, 6–7; *see* Consolidated Trial Practice Guide § II.O. We also consider the nature of the prior briefing on the issue for which the proceeding was remanded, in which “Wildseed specifically addressed claim 15 for the first time in its patent owner’s sur-reply but provided arguments only for the SMS limitation.” Paper 36, 5; *see* Consolidated Trial Practice Guide § II.O. The Board has further considered the effect of further briefing “on the economy, the integrity of the patent system, the efficient administration of the Office, and the ability of the Office to timely complete proceedings.” Consolidated Trial Practice Guide § II.O. Based upon these considerations, we determine that limited further briefing is appropriate.

Petitioner may file a single brief within 10 (ten) business days of the date this Order is entered. Patent Owner may file a single responsive brief within 10 (ten) business days of the date that Petitioner’s brief is filed with the USPTO. Each brief is limited to no more than 7 (seven) pages, and must remain within the scope of the remand as set forth by the Federal Circuit in this proceeding. Following such briefing, either party may request authorization to file further briefing consistent with the considerations detailed above. No further evidence may be submitted, nor will further oral argument occur.

ORDER

Based on the foregoing, it is:

ORDERED that Petitioner may file a single brief, not to exceed 7 (seven) pages and limited to the scope of the Federal Circuit's remand, within 10 (ten) business days of the date this Order is entered; and

FURTHER ORDERED that Patent Owner may file a single responsive brief, not to exceed 7 (seven) pages and limited to the scope of the Federal Circuit's remand, within 10 (ten) business days of the date that Petitioner's brief is filed with the USPTO; and

FURTHER ORDERED that no new evidence may be filed.

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