

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

PROXENSE, LLC,
Patent Owner.

IPR2024-01327
Patent 8,886,954 B1

Before THU A. DANG, KEVIN F. TURNER, and DAVID C. McKONE,
Administrative Patent Judges.

McKONE, *Administrative Patent Judge.*

DECISION
Denying Institution of *Inter Partes* Review
35 U.S.C. § 314

Microsoft Corp. (“Petitioner”) filed a Petition for *inter partes* review of claims 1–7, 10, 12–19, and 22–27 of U.S. Patent No. 8,886,954 B1 (“the ’954 patent”) (Paper 3) and a Conditional Motion for Joinder (Paper 2). In the Conditional Motion for Joinder, Petitioner “respectfully requests that the Board institute review of IPR2024-01327 based on the concurrently-filed petition and that it grant this motion **if, and only if**, the Board has previously denied institution of *Microsoft Corporation, v. Proxense, LLC*, IPR2024-00846.” Paper 2, 1. Petitioner makes this request to “ensure that [it] is party to one (and only one) instituted *inter partes* review proceeding, preferably the proceeding inspired by [Petitioner’s] initial filing (i.e., the 846 Proceeding).” *Id.* at 1–2.

The Board has instituted an *inter partes* review of the ’954 patent in IPR2024-00846. *See* IPR2024-00846, Paper 8. Accordingly, the condition on which Petitioner’s Petition and Motion for Joinder is based has not come to pass. Therefore, we deny the Petition and the Conditional Motion for Joinder.

ORDER

In consideration of the foregoing, it is hereby

ORDERED that pursuant to 35 U.S.C. § 314(a), an *inter partes* review is denied as to claims 1–7, 10, 12–19, and 22–27 of the ’954 patent; and

FURTHER ORDERED that Petitioner’s Conditional Motion for Joinder (Paper 2) is denied.

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