

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLACK TECHNOLOGIES, LLC. and SALESFORCE, INC.,
Petitioner,

v.

WRINKL, INC.,
Patent Owner.

IPR2024-01489 and IPR2024-01490
Patent 11,973,731 B2

Before NEIL T. POWELL, BARBARA A. PARVIS, and
NABEEL U. KHAN, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

ORDER¹

Conduct of the Proceeding
37 C.F.R. § 42.5 (a); 37 C.F.R. § 42.20(b)

¹ The combined caption is for administrative convenience only and does not indicate that IPR2024-01489 and IPR2024-01490 have been joined. The parties are not authorized to use this caption without express permission of the Board.

On September 26, 2025, Slack Technologies, LLC and Salesforce, Inc. (“Petitioner”) filed two petitions requesting an *inter partes* review of claims 1–30 of U.S. Patent No. 11,973,731 B2 (Ex. 1001, “the ’731 patent”). Wrinkl, Inc. (“Patent Owner”) did not file a Preliminary Response in either proceeding. On April 21, 2025, we instituted *inter partes* review of claims 1–30 of the ’731 patent in both *Slack Technologies, LLC and Salesforce, Inc. v. Wrinkl, Inc.*, IPR2024-01489 (“1489 IPR”) (see 1489 IPR, Paper 6) and *Slack Technologies, LLC and Salesforce, Inc. v. Wrinkl, Inc.*, IPR2024-01490 (“1490 IPR”) (see 1490 IPR, Paper 6).

On Friday May 30, 2025, Patent Owner contacted the Board via e-mail and requested that the 1489 IPR and 1490 IPR proceedings be terminated “because the petition in each in each proceeding was premature under 35 U.S.C. § 311(c)(1).” 1489 IPR, Ex. 3001.² The ’731 patent issued on April 30, 2024. 1489 IPR, Ex. 1001, code (45). In its May 30, 2025 e-mail, Patent Owner states “the challenged patent is subject to the AIA because it claims priority exclusively to applications filed after March 16, 2013.” 1489 IPR, Ex. 3001. Patent Owner indicated in its May 30, 2025 e-mail that Petitioner opposes termination.

We held a call with the parties on June 5, 2025 to discuss Patent Owner’s request and Petitioner’s opposition. During the call, we raised Petitioner’s priority dispute and, more specifically, Petitioner’s argument in IPR2024-01489 that the effective filing date of the challenged claims is no earlier than June 21, 2018. 1489 IPR, Paper 1, 5–6. We asked Patent Owner to provide its position regarding whether the correct chain of priority is

² For convenience, we cite to Papers and Exhibits filed in IPR2024-01489. Substantially similar Papers and Exhibits have been entered in IPR2024-01490.

listed on the face of the '731 patent and, importantly, to confirm that Patent Owner takes the position that the priority chain on the face of the '731 patent is complete without any inadvertent omission of an application that should be listed in the priority chain. Patent Owner responded that Patent Owner's position is that the correct chain of priority is listed on the face of the '731 patent, the priority chain was not broken, and the priority chain listed on the face of the patent is complete. Patent Owner also confirmed that its position is that the earliest priority date that the challenged claims of the '731 patent are entitled to is a priority date that is after March 16, 2013, not earlier.

During the call, we asked Petitioner to provide additional explanation regarding its opposition to Patent Owner's request. Petitioner argued that we should not terminate the Institution Decisions because (1) Patent Owner's request is an improper attempt to appeal institution decisions under 35 U.S.C. § 314(d); and (2) Patent Owner's request was waived by Patent Owner not filing a Preliminary Response under 35 U.S.C. § 313. Petitioner also argued that we should not terminate the Institution Decisions because Patent Owner waited and did not raise the issue until after one year from service of the Complaint in the parallel District Court litigation subjecting Petitioner to the one-year bar date under 35 U.S.C. § 315(b), which is inequitable. Petitioner further argued that if we do not agree and we terminate the 1489 and 1490 IPRs, we should authorize Petitioner to re-file its petitions as either post grant review petitions with a filing date of September 26, 2025 or as *inter partes* review petitions with a filing date that is later than the nine-month date set under 35 U.S.C. § 311(c), but before the one-year statutory bar based on service of the Complaint in the parallel District Court litigation.

Petitioner requested briefing on the issue, which Patent Owner did not oppose. During the call, the parties agreed to the following: (1) filing by Patent Owner a Motion to Terminate in each of the 1489 IPR and the 1490 IPRs no later than Friday June 6, 2025; (2) filing by Petitioner of an Opposition in each of the 1489 and 1490 IPRs after Patent Owner's filing of the Motions to Terminate; and (3) filing by Patent Owner of a Reply in each of the 1489 and 1490 IPRs limited to responding to Petitioner's Oppositions. The parties also agreed to cooperate in good faith to extend the due date of Patent Owner's Responses in the event that we do not terminate the 1489 and 1490 IPRs.

In light of the arguments raised by the parties during the call, we are of the view that the additional submissions agreed to by the parties would be helpful. During the June 5, 2025 call, we authorized the following: (1) filing by Patent Owner a Motion to Terminate in each of the 1489 IPR and the 1490 IPRs no later than Friday June 6, 2025; (2) filing by Petitioner of an Opposition no more than seven (7) pages in each of the 1489 and 1490 IPRs no later than seven (7) days after Patent Owner's filing of the Motions to Terminate; and (3) filing by Patent Owner of a Reply in each of the 1489 and 1490 IPRs limited to responding to Petitioner's Oppositions that is no more than seven (7) pages and is due no later than seven (7) days after Petitioner's Oppositions. In light of the date of this Order, we modify the schedule above to allow Patent Owner to file its Motions to Terminate no later than Monday June 9, 2025. The parties may not introduce any new evidence.

IPR2024-01489 and IPR2024-01490
Patent 11,973,731 B2

It is therefore:

ORDERED that Patent Owner may file a Motion to Terminate in each of IPR2024-01489 and IPR2024-01490 no later than Monday June 9, 2025;

FURTHER ORDERED that Petitioner may file an Opposition of no more than seven (7) pages in each of IPR2024-01489 and IPR2024-01490 no later than seven (7) days after Patent Owner's filing of the Motions to Terminate;

FURTHER ORDERED that Patent Owner may file a Reply of no more than seven (7) pages in each of IPR2024-01489 and IPR2024-01490 no later than seven (7) days after Petitioner's Opposition and limited to responding to Petitioner's Opposition; and

FURTHER ORDERED that neither party may file new evidence.

IPR2024-01489 and IPR2024-01490

Patent 11,973,731 B2

For PETITIONER:

Robert Perez

PILLSBURY WINTHROP SHAW PITTMAN LLP

Robert.perez@pillsburylaw.com

For PATENT OWNER:

Steven Katz

Lawrence Kolodney

FISH & RICHARDSON P.C.

katz@fr.com

kolodney@fr.com