

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE OFFICE OF THE UNDER SECRETARY OF COMMERCE
FOR INTELLECTUAL PROPERTY AND DIRECTOR OF THE UNITED
STATES PATENT AND TRADEMARK OFFICE

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

NETLIST, INC.,
Patent Owner.

IPR2022-00615
Patent 7,619,912 C1

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

ORDER

The Office received a request for Precedential Opinion Panel (POP) review of issues raised in the Board’s Decision Granting Institution of *Inter Partes* Review in the above-listed proceeding. Ex. 3003; *see* Paper 20 (“Decision” or “Dec.”). Specifically, Netlist, Inc. (“Patent Owner”) requests that the POP rehear the Board’s Decision applying 35 U.S.C. §§ 314(a) and 315(b). *See* Ex. 3003; *see also* Paper 25 (Patent Owner’s Request for Rehearing).

I have reviewed the request, the Board’s Decision, the Papers, and the Exhibits in the above-listed proceeding. I determine that *sua sponte* Director review of the Board’s Decision is appropriate because this case raises issues of particular importance to the Office and the patent community. *See* Interim process for Director review¹ § 10 (setting forth issues that may warrant Director review), § 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*). I will issue an Order in due course setting forth the schedule for the Director review. Concurrent with this Order, the POP has dismissed the requests for rehearing and POP review. I further stay the underlying proceeding pending the Director review decision.

Accordingly, based on the foregoing, it is:

ORDERED that a *sua sponte* Director review of the Board’s Decision Granting Institution (Paper 20) is initiated and a schedule will issue in due course; and

FURTHER ORDERED that the underlying proceeding is stayed.

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

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