

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

AVIAGAMES, INC.,
Petitioner,

v.

SKILLZ PLATFORM, INC.,
Patent Owner.

IPR2022-00530
Patent 9,479,602 B1

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

ORDER

AviaGames, Inc. (“Petitioner”) filed a Petition to institute an *inter partes* review of claims 1–3, 7–12, and 16–21 of U.S. Patent 9,479,602 B1 (Ex. 1001). Paper 1. Skillz Platform, Inc. (“Patent Owner”) filed a Preliminary Response. Paper 7. After receiving authorization from the Patent Trial and Appeal Board (“Board”), Petitioner filed a Reply (Paper 9) and Patent Owner filed a Sur-reply (Paper 10). On August 9, 2022, the Board issued a Decision denying institution of *inter partes* review. Paper 12.

I have reviewed the Board’s Decision, the relevant papers, and the relevant exhibits of record in this proceeding. I determine that 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 review*¹ § 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 or decision in due course.

Accordingly, based on the foregoing, it is:

ORDERED that a *sua sponte* Director review of the Board’s Decision denying institution (Paper 12) is initiated; and

FURTHER ORDERED that an order or decision will issue in due course.

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

IPR2022-00530
Patent 9,479,602 B1

FOR PETITIONER:

Miguel Bombach
Yang-Hsien Hsu
PERKINS COIE LLP
bombach-ptab@perkinscoie.com
hsu-ptab@perkinscoie.com

FOR PATENT OWNER:

James M. Glass
John T. McKee
Lance L. Yang
QUINN EMANUEL URQUHART & SULLIVAN LLP
jimglass@quinnemanuel.com
johnmckee@quinnemanuel.com
lanceyang@quinnemanuel.com