

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNITED SERVICES AUTOMOBILE ASSOCIATION,
Petitioner,

v.

NADER ASGHARI-KAMRANI and KAMRAN ASGHARI-KAMRANI,
Patent Owner.

Cases CBM2016-00063 and CBM2016-00064¹
Patent 8,266,432 B2

Before JONI Y. CHANG, JUSTIN T. ARBES, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

CHANG, *Administrative Patent Judge*.

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

On April 26, 2017, a conference call was held between counsel for both parties, and Judges Chang, Arbes, and Ippolito. Patent Owner requested that the oral hearing, scheduled for May 15, 2017, be delayed for three weeks, in view of a medical emergency of its back-up counsel.

¹ We exercise our discretion to issue one Order to be entered in both cases.

Petitioner opposed, arguing that Patent Owner's request is not supported by a good cause showing because Patent Owner has other counsel who can present at the oral hearing.

During the conference call, we notified the parties that Patent Owner's request is granted. As discussed, the one-year statutory deadline for entering the final written decisions for the instant proceedings expires on September 21, 2017. Paper 15.² We observed that a short delay for the oral hearing would not impact the parties' ability to file their substantive briefs.³ Nor would such a delay impact our ability to timely render the final written decisions. Further, although we were cognizant that Patent Owner has other counsel of record, we nevertheless were mindful of back-up counsel's unexpected medical emergency. After considering the totality of the circumstances and weighing Patent Owner's needs for having its desired counsel appear at the oral hearing and the inconvenience of rescheduling the oral hearing, on balance, we determined that a short delay for the oral hearing was reasonable, and instructed the parties to provide proposed alternative dates for the hearing. *See* 37 C.F.R. § 42.5(c).

Subsequently, however, Petitioner reconsidered and withdrew its request for an oral hearing. Patent Owner did not request an oral hearing in the instant proceedings.

² All citations are to CBM2016-00063, unless otherwise noted.

³ Petitioner's reply to Patent Owner's opposition to its motion to exclude evidence was timely filed on May 1, 2017. Paper 39.

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In view of the foregoing, it is hereby:

ORDERED that the oral hearing scheduled for May 15, 2017, is
canceled.

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