

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

OREN TECHNOLOGIES, LLC,
Petitioner Application No. 14/882,973,
Petitioner

v.

KENNETH EIDEN, III, BRIAN ANDREW HUNTER,
MATHEW CARLEY, TIMOTHY STEFAN,
MARK D'AGOSTINO, and SCOTT D'AGOSTINO,
Respondent Patent No. 9,758,082 B2,
Respondent.

DER2016-00001

Before SALLY C. MEDLEY, JONI Y. CHANG, and JOSIAH C. COCKS,
Administrative Patent Judges.

CHANG, *Administrative Patent Judge.*

DECISION
Dismissing Petition
37 C.F.R. § 42.71

DER2016-00001

Petitioner Application No. 14/882,973

Respondent Patent No. 9,758,082 B2

On October 15, 2015, Petitioner filed a Petition (Paper 1) based upon Application No. 14/882,973 (“Petitioner’s ’973 application”) to institute a derivation proceeding under 35 U.S.C. § 135, with respect to Application No. 14/249,420 (“Respondent’s ’420 application”), which has been published as Patent Application Publication No. 2014/0305769 A1 (Respondent’s ’769 publication), and issued as Patent No. 9,758,082 (“Respondent’s ’082 patent”).

As noted in our prior Order (Paper 8), a Final Office Action was entered in Petitioner’s ’973 application on July 23, 2019, setting forth a six-month statutory period for reply. Ex. 3001 (Final Office Action). Subsequently, the Office entered a Notice of Abandonment on February 28, 2020, after the six-month statutory period has expired. Ex. 3002 (Notice of Abandonment). Petitioner’s ’973 application is abandoned in view of Petitioner’s failure to timely file a proper reply to the Final Office Action. *Id.* at 2. A brief review of the Office records shows that Petitioner has not filed a continuing application.

On April 1, 2020, we issued an Order requiring Petitioner to show cause why, in light of such circumstance, the Petition should not be dismissed. Paper 8. Our Order provided Petitioner 30 days to respond. *Id.* at 4. This time period has expired and we have received no response to our Order. Petitioner’s ’973 application stands abandoned. Based on the facts of this proceeding, it is appropriate to dismiss the Petition.

ORDER

Accordingly, it is ORDERED that the Petition is dismissed, and the instant proceeding is terminated.

DER2016-00001

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