

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SKYHAWKE TECHNOLOGIES, LLC,
Petitioner,

v.

L&H CONCEPTS, LLC,
Patent Owner.

Case IPR2014-00438
Patent 5,779,566

Before JAMES T. MOORE, *Administrative Patent Judge*.

Order
Conduct of Proceeding
37 C.F.R. § 42.5

On September 18, 2014 at 1:00 PM Eastern Time an initial conference call was held in this matter. The participants of the call were respective counsel for the parties (Lead Counsel Thomas Fisher leading for the Petitioner; and Lead Counsel David Hoffman leading for the Patent Owner) and Judge Moore.

Neither Party filed a list of proposed motions prior to the initial conference call. As the patent in question expires within a year, it is also expected that no motion to amend will be filed, although Patent Owner is still considering the issue.

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Given that the patent will expire, we note that the claims of an unexpired patent are given their broadest reasonable interpretation in an *inter partes* review. 37 C.F.R. § 42.100(b). We instituted this trial applying the broadest reasonable interpretation for claim construction. We expect a final decision prior to patent expiration based upon that same standard.

Petitioner informed the Board that they have filed a third petition (with designation IPR2014-01485) to accompany the two petitions presently before this panel (IPR2014-00437 is the other related case). The parties have agreed to expedite that third petition to attempt to synchronize the final decisions.

The Board likewise will expedite as best it can, as there is efficiency to be gained by handling these three proceedings together.

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