

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner

v.

DRAGON INTELLECTUAL PROPERTY, LLC.,
Patent Owner.

Case IPR2014-01252
Patent 5,930,444

Before NEIL T. POWELL, GREGG I. ANDERSON, and
J. JOHN LEE, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

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

Introduction

A conference call was held on December 12, 2014. The participants were Michael Kiklis on behalf of Unified Patents Inc. (“Petitioner”), Jason Angell on behalf of Dragon Intellectual Property, LLC (“Patent Owner”), and Judges Powell, Anderson, and Lee. The purpose of the call was to discuss Patent Owner’s request for authorization to file a motion for additional discovery related to the real party-in-interest issue.

Discussion

Patent Owner explained that it desired to seek additional discovery related to how Petitioner spends the revenue it receives from members. Patent Owner stated that, if authorized, its motion would include detailed requests about specific information that Patent Owner seeks related to Petitioner’s expenditures. Patent Owner cited certain record evidence, including certain portions of Mr. Jakel’s deposition testimony (Exhibit 2001), as providing reason to believe that additional discovery related to Petitioner’s expenditures would produce evidence supporting Patent Owner’s arguments regarding the real party-in-interest issue.

Petitioner opposed Patent Owner’s request for authorization to file a motion seeking additional discovery. Petitioner argued that it had already provided discovery related to the real party-in-interest issue, and that Patent Owner provided no more than mere speculation that additional discovery would produce evidence supporting Patent Owner’s arguments.

With consideration given to both Patent Owner’s and Petitioner’s arguments, we authorized Patent Owner to file a motion for additional discovery by December 22, 2014. We advised Patent Owner that the more carefully and narrowly its motion tailors discovery requests to issues related to real party-in-interest in the present case, the more likely we would grant Patent Owner’s

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discovery requests. We also authorized Petitioner to file, by January 5, 2015, an opposition to Petitioner's motion for additional discovery.

ORDER

Accordingly, it is

ORDERED that Patent Owner is authorized to file, by December 22, 2014, a motion for additional discovery related to the issue of real party-in-interest;

FURTHER ORDERED that Petitioner is authorized to file, by January 5, 2015, an opposition to Petitioner's motion for additional discovery.

PETITIONER:

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