

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ASKELADDEN LLC,
Petitioner,

v.

SEAN I. MCGHIE and BRIAN BUCHHEIT,
Patent Owner.

Cases IPR2015-00122 (Patent 8,523,063)
IPR2015-00123 (Patent 8,523,063)
IPR2015-00124 (Patent 8,540,152)
IPR2015-00125 (Patent 8,540,152)
IPR2015-00133 (Patent 8,297,502)
IPR2015-00137 (Patent 8,297,502)¹

Before SALLY C. MEDLEY, JONI Y. CHANG, and
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

¹ This order addresses issues that are the same in the identified cases. We exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style heading.

IPR2015-00122 (Patent 8,523,063) IPR2015-00125 (Patent 8,540,152)
IPR2015-00123 (Patent 8,523,063) IPR2015-00133 (Patent 8,297,502)
IPR2015-00124 (Patent 8,540,152) IPR2015-00137 (Patent 8,297,502)

Several duplicate papers, including papers that do not contain properly redacted information, have been entered into the record of these proceedings by Patent Owner. We exercise our discretion to expunge such duplicate papers. 37 C.F.R. § 42.7(a).

In addition, Patent Owner has been represented by Brian Buchheit, one of the named inventors of the involved patents, who is registered to practice before the Office, and has signed some papers as “Lead Counsel,” has not signed other papers, and has signed at least one paper without “Lead Counsel” indicia. *See, e.g.*, Papers 4, 15, 24.² Mr. Buchheit has represented to us that he is acting pro se, not as a registered attorney representing Mr. Sean McGhie, the other named inventor. Paper 39; Ex. 2054. To ensure integrity of the proceedings, all forthcoming papers submitted by Patent Owner shall be signed by both Mr. Buchheit and Mr. McGhie.

Order

It is

ORDERED that the following papers be expunged from records of the following proceedings:

IPR2015-00122, Papers 25, 26, 46, and 52;

IPR2015-00123, Papers 26, 43, and 49;

IPR2015-00124, Papers 25, 41, and 47;

IPR2015-00125, Papers 25, 40, and 46;

IPR2015-00133, Papers 22, 23, 38, and 44;

IPR2015-00137, Papers 22, 37, and 43; and

² Citations are to IPR2015-00122.

IPR2015-00122 (Patent 8,523,063) IPR2015-00125 (Patent 8,540,152)
IPR2015-00123 (Patent 8,523,063) IPR2015-00133 (Patent 8,297,502)
IPR2015-00124 (Patent 8,540,152) IPR2015-00137 (Patent 8,297,502)

FURTHER ORDERED that both Sean McGhie and Brian Buchheit shall sign all forthcoming papers submitted on behalf of Patent Owner.

PETITIONER:

Robert H. Fischer
Frank A. DeLucia
Stephen Yam
Justin Oliver
FITZPATRICK, CELLA, HARPER & SCINTO
AskeladdenIPR@fchs.com
AskeladdenIPR@fchs.com
AskeladdenIPR@fchs.com
joliver@fchs.com

PATENT OWNER:

Brian Buchheit
bbuchheit@gmail.com

Sean McGhie
Sean.mcghie@me.com