

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)

Patent Owner's Responses were due July 8, 2015, in the above-identified proceedings. Patent Owner did not file a Patent Owner Response in any of these cases. Nor did Patent Owner arrange a conference call with the Board and opposing counsel per Board instructions to do so. *See* Paper 37, 3.²

Based on the record before us, we do not know whether Patent Owner has elected not to file a Response, or if Patent Owner has abandoned the contest. An abandonment of the contest would be construed by the Board as a request for adverse judgment, whereby all of the involved claims of the involved patents would be cancelled. 37 C.F.R. § 42.73(b)(4). If Patent Owner has abandoned the case, we would want to know this in order to administer these proceedings in an efficient manner.

Accordingly, it is

ORDERED that Patent Owner shall, no later than 20 days from the date of this order, file a paper limited to two pages in each case explaining whether Patent Owner (1) has elected not to file a Patent Owner Response, but has not abandoned the contest, or (2) has abandoned the contest with an explanation that Patent Owner understands such abandonment will lead to the cancellation of its involved claims under 37 C.F.R. § 42.73(b)(4).

² Citations are to IPR2015-00122.

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)

PETITIONER:

Robert H. Fischer

AskeladdenIPR@fchs.com

Frank A. DeLucia

AskeladdenIPR@fchs.com

Stephen Yam

AskeladdenIPR@fchs.com

Justin Oliver

joliver@fchs.com

PATENT OWNER:

Brian Buchheit

bbuchheit@gmail.com

Sean McGhie

Sean.mcghie@me.com