

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

PAICE LLC & THE ABELL FOUNDATION, INC.,
Patent Owner.

Case IPR2015-00606¹
Patent 7,237,634 B2

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
CARL M. DeFRANCO, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

¹ This Order addresses the same issues in the *inter partes* reviews listed in the Appendix. Therefore, we issue one Order to be filed in all of the cases. The parties, however, are not authorized to use this style of filing in subsequent papers.

I. INTRODUCTION

Petitioner, Ford Motor Company, filed a total of twenty-five petitions on six patents assigned to Patent Owner, Paice LLC & The Abell Foundation, Inc. Ten of the petitions, in ten of the *inter partes* proceedings (“earlier proceedings”), were filed between July and December of 2014. The other fifteen petitions, in the last filed fifteen *inter partes* proceedings (“later proceedings”), were filed between the end of January and late February of 2015. A Notice of Filing Date Accorded to Petition (“Notice”) was filed in each one of the later proceedings within the first two weeks of March, 2015. *See, e.g.*, IPR2015-00606, Paper 7. Each Notice specifies the time for Patent Owner to file its preliminary response in each proceeding, which is three months from the date of the Notice. *Id.* Notwithstanding the Notices, this order sets forth a new schedule for Patent Owner to file preliminary responses in the later proceedings.

II. DISCUSSION

We instituted review of several patents involved in eight of the first ten earlier proceedings. The hearing for six of the eight proceedings is scheduled for July 1, 2015, and the statutory deadline for the Board to issue final written decisions in some of those six proceedings is September 30, 2015. Conceivably, some of the decisions on whether to institute *inter partes* review in the later proceedings would be due around the same time as the final written decisions in some of the earlier proceedings. The final written decisions, however, in some of the earlier proceedings may affect

whether we institute *inter partes* review on all of the challenged claims in some of the later proceedings. *See, e.g.*, 35 U.S.C. §§ 315(e), 325(d). Moreover, it would be difficult for the same panel to produce several final decisions in some of the earlier proceedings, while at the same time produce multiple decisions on whether to institute *inter partes* review in the later proceedings.

The Board may determine a proper course of conduct in a proceeding for any situation not specifically covered by the rules and may enter non-final orders to administer a proceeding. 37 C.F.R. § 42.5(a). Based on the records of these proceedings, we exercise our discretion to alter the due dates for Patent Owner's preliminary responses in connection with the later proceedings. Patent Owner's preliminary responses are due in accordance with the Appendix attached to this order.

III. ORDER

Upon consideration of the record before us, it is

ORDERED that notwithstanding the dates specified in the Notices filed in the later proceedings, Patent Owner may file a preliminary response in the later proceedings in accordance with the Appendix schedule attached to this Order; and

FURTHER ORDERED that if Patent Owner wants to file any preliminary response for any of the proceedings listed in the Appendix prior to the due dates listed there, Patent Owner must arrange a conference call with opposing counsel and the Board.

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APPENDIX

| U.S. Patent No. | <i>Inter Partes</i> Review | Patent Owner Preliminary Response Due Date |
|-----------------|---|--|
| 7,104,347 B2 | IPR2015-00794 IPR2015-00795 | August 3, 2015 |
| 7,237,634 B2 | IPR2015-00606 IPR2015-00722 IPR2015-00758 IPR2015-00784 IPR2015-00785 IPR2015-00787 IPR2015-00790 IPR2015-00791 IPR2015-00799 IPR2015-00800 IPR2015-00801 | August 10, 2015 |
| 7,455,134 | IPR2015-00767 | June 17, 2015 |
| 8,214,097 B2 | IPR2015-00792 | July 27, 2015 |

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