

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLACK SWAMP IP LLC.,
Petitioner,

v.

VIRNETX INC.,
Patent Owner.

Case IPR2016-00167
Patent 7,490,151 B1

Before MICHAEL P. TIERNEY, KARL D. EASTHOM, and STEPHEN C. SIU,
Administrative Patent Judges.

SIU, *Administrative Patent Judge.*

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

A conference call in the above proceeding was held on December 14, 2015, among respective counsel for Black Swamp IP, LLC (“Black Swamp”) and VirnetX Inc., and Judges Tierney, Easthom, and Siu. On November 6, 2015, Black Swamp filed a petition (Paper 1, “Petition”) requesting institution of a trial

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regarding the patentability of claims 1, 2, 6-8, and 12-14 of U.S. Patent No. 7,490,151 (“the ’151 patent”). Black Swamp also filed concurrently a Motion for Joinder (Paper 2) with IPR2015-01047, which challenges the patentability of the same claims (i.e., claims 1, 2, 6-8, and 12-14) of the ’151 patent. A decision to institute in IPR2015-01047 was issued on October 7, 2015.

During the conference call, the parties were advised that a Patent Owner Preliminary Response to the Petition in the present matter, if filed, is due by January 22, 2016.

In consideration of the above, it is

ORDERED that a Patent Owner Preliminary Response, if filed, is due not later than January 22, 2016.

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