

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

K/S HIMPP,
Petitioner,

v.

III HOLDINGS 7, LLC,
Patent Owner.

Case IPR2017-00929
Patent 7,929,722 B2

Before SALLY C. MEDLEY, JASON J. CHUNG, and
KIMBERLY MCGRAW, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

K/S HIMPP (“Petitioner”) filed a Petition for *inter partes* review of claims 1–5, 7, 8, 11, 12, 14–16, and 20–30 of U.S. Patent No. 7,929,722 B2 (Ex. 1001, “the ’722 patent”). Paper 3 (“Pet.”). III Holdings 7, LLC (“Patent Owner”) did not file a Preliminary Response. On August 14, 2017, we instituted trial and set a November 1, 2017 due date for Patent Owner to file a Response. Paper 8, 6. Patent Owner did not file a Patent Owner Response. Nor did Patent Owner arrange a conference call with the Board and opposing counsel per Board instructions to do so. *See id.* at 3.

Pursuant to our rules, “[a]ctions construed to be a request for adverse judgment include . . . [a]bandonment of the contest.” 37 C.F.R. § 42.73(b)(4). Adverse judgment against a Patent Owner, will result in cancellation of all involved claims of the involved patent. Patent Owner’s failure to file substantive papers in this trial is consistent with abandonment of the contest. Within ten (10) days of the date of this Order, Patent Owner must show why its inactions in this trial should not be construed as a request for adverse judgment under 37 C.F.R. § 42.73(b)(4).

Accordingly, it is

ORDERED that Patent Owner shall, no later than 10 days from the date of this order, show why its inactions in this trial should not be construed as a request for adverse judgment under 37 C.F.R. § 42.73(b)(4); and

FURTHER ORDERED that failure to respond to this order may result in cancellation of the involved claims of the involved patent.

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FOR PETITIONER:

Donald R. Steinberg

Don.Steinberg@wilmerhale.com

Yung-Hoon Ha

Yung-Hoon.Ha@wilmerhale.com

Haixia Lin

Haixia.Lin@wilmerhale.com

Christopher R. O'Brien

Christopher.O'Brien@wilmerhale.com

Vera A Shmidt

Vera.Shmidt@wilmerhale.com

FOR PATENT OWNER:

Henry A. Petri, Jr.

hpetri@polsinelli.com

James P. Murphy

jpmurphy@polsinelli.com

Margaux A. Savee

msavee@polsinelli.com

Tim R. Seeley

tims@intven.com

Russ Rigby

rrigby@intven.com