

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUIZ FOOD PRODUCTS, INC.,
Petitioner,

v.

MACROPOINT LLC,
Patent Owner.

Case IPR2017-02016 (Patent 8,275,358 B1)
Case IPR2017-02018 (Patent 9,429,659 B1)¹

Before MEREDITH C. PETRAVICK, TREVOR M. JEFFERSON, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

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

Petitioner requested oral argument on October 19, 2018, in both
IPR2017-02016 and IPR2017-02018 (“the proceedings”). Paper 22

¹ We exercise our discretion to issue one order to be entered in both these proceedings. The parties are not authorized to use this style heading for subsequent papers without prior Board approval.

Case IPR2017-02016 (Patent 8,275,358 B1)

Case IPR2017-02018 (Patent 9,429,659 B1)

(IPR2017-02016).² Patent Owner provided notice that it does not seek oral argument in the proceedings, but would request participation if argument is granted per Petitioner's request. Paper 23.

Pursuant to our Order (Paper 17), Patent Owner filed Motions to Dismiss the proceedings in light of *Click-to-Call Techs., LP v. Ingenio, Inc.*, No. 2015-01242 (Fed. Cir. Aug. 16, 2018) (en banc in relevant part) and relevant facts. Paper 18. Petitioner filed an opposition to Patent Owner's Motion to Dismiss (Paper 20) and Patent Owner filed a reply (Paper 21).

The Board has reviewed the parties' submissions and Petitioner's request for oral argument and determined that the hearing scheduled for November 16, 2018, per our May 19, 2018 Scheduling Order (Paper 8) is hereby postponed pending a written decision on Patent Owner's Motions to Dismiss. The Board will request a conference call to reschedule the oral hearing in the proceedings, if necessary, following a decision on the Motions to Dismiss.

It is therefore:

ORDERED that Oral Argument scheduled for November 16, 2018, is postponed; and

FURTHER ORDERED that Petitioner's request for oral argument is held in abeyance.

² Similar papers were filed in IPR2017-02018. Throughout this order we refer only to the papers filed in IPR2017-02016.

Case IPR2017-02016 (Patent 8,275,358 B1)

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