

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNIFIED PATENTS INC.  
Petitioner,

v.

FALL LINE PATENTS, LLC  
Patent Owner.

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Case IPR2018-00043  
Patent 9,454,748 B2

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Before MICHELLE N. WORMMEESTER, SHEILA F. McSHANE, and  
JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

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

On April 19, 2018, Patent Owner sent an email to the Board requesting an Initial Conference Call, pursuant to the Scheduling Order (Paper 7, 2–3), to seek authorization to file a motion for additional discovery regarding Petitioner’s real party-in-interest. On April 30, 2018, the Initial Conference Call was held with Judges Wormmeester, McShane, and Kenny, and respective counsel for the parties.

During the conference call, Patent Owner sought authorization to file its motion, but Patent Owner indicated that it would prefer to wait until a ruling issued in a related district court action regarding a protective order issue before filing the motion. Petitioner argued, *inter alia*, that seeking authorization for a motion at this time is premature because the parties should continue meeting and conferring to attempt to resolve their discovery dispute. Under the circumstances, at this time, we decline to decide whether to authorize the filing of the motion. When Patent Owner is ready to file the motion, Patent Owner may seek authorization to do so at that time.

IPR2018-00042  
Patent 9,454,748 B2

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