

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOERTEK, INC. and GOERTEK ELECTRONICS, INC.
Petitioner

v.

KNOWLES ELECTRONICS, LLC
Patent Owner

Case IPR2014-01009
Patent 8,018,049 B2

Before KEVIN F. TURNER, BENJAMIN D. M. WOOD, and
MICHAEL J. FITZPATRICK, *Administrative Patent Judges*.

TURNER, *Administrative Patent Judge*.

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

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A conference call in IPR2014-01009 was requested by Patent Owner and occurred on August 28, 2014. Respective counsel for Petitioner and Patent Owner, and Judges Turner, Wood, and Fitzpatrick were in attendance. The purpose of the call was to discuss Patent Owner's request for a stay of a co-pending reexamination proceeding.

U.S. Patent 8,018,049 B2, the subject of the instant proceeding, is also the subject of Reexamination Control No. 95/001,850, filed December 12, 2011. The latter proceeding found a substantial new question of patentability and subsequently rejected claims 1, 2, 5, 6, 9, 11, 12, 15, 16, 19, 21-23, 25, and 26, all claims subject to reexamination, in a Right of Appeal Notice mailed March 17, 2014. Patent Owner filed a Notice of Appeal and subsequently an Appeal Brief on June 17, 2014. The time for Third Party Requester to file its Respondent Brief has passed, *see* 37 C.F.R. § 41.66(b), such that the proceeding now awaits the Examiner's Answer.

Patent Owner argues that there is great deal of overlap between the appealed rejections and the asserted grounds in the Petition in the instant proceeding. Patent Owner also argues that concurrent proceedings in both would produce inefficient and excessive use of PTO resources. On that basis, Patent Owner seeks authorization to file a request to stay the co-pending reexamination proceeding.

Petitioner, which is apparently not affiliated with the Third Party Requester in the Reexamination, indicates that it takes no position on whether a stay should be granted. Petitioner does indicate, however, that since it has been approximately two months from the filing of the Appeal Brief, there should be

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no urgency in granting a stay and that the request now, prior to a decision to institute in the instant proceeding, is premature.

Based on the instant facts, we are persuaded that any stay of the co-pending reexamination proceeding at this time would be premature. Staying now would unduly delay the reexamination proceeding in the event that no trial is instituted in the instant proceeding. Should a trial be instituted in the instant proceeding, Patent Owner may renew its request.

ORDER

It is

ORDERED that no authorization is given to file a request for a stay in the 95/001,850 reexamination proceeding.

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