

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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COMPASS BANK, COMMERCE BANCSHARES, INC., AND  
FIRST NATIONAL BANK OF OMAHA,  
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,  
Patent Owner.

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Cases IPR2014-00724  
Patent 5,745,574

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Before KRISTEN L. DROESCH, JENNIFER S. BISK, and  
JUSTIN BUSCH, *Administrative Patent Judges*.

Busch, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding

*37 C.F.R. § 42.5*

On November 17, 2014, an initial conference call was held between counsel for the respective parties and Judges Droesch, Bisk, and Busch. The parties had nothing to report regarding settlement. Petitioner filed a Notice of Stipulation Regarding Due Dates 1 and 2 on November 17, 2014 (Paper 15) and the parties indicated that they had no other issues with the Scheduling Order entered on November 6, 2014.

On the call, we reminded the parties that counsel must seek authorization to file any motions that are not pre-authorized. Moreover, we reminded the parties that authorization to file a first Motion to Amend is not required, but that Patent Owner should confer with the Board at least two weeks prior to filing a Motion to Amend, if it decides to do so.

Patent Owner seeks authorization to file three motions: (1) a motion to terminate under 35 U.S.C. § 315(d); (2) a motion to consolidate with IPR2014-00660 under 35 U.S.C. § 315(d); and (3) a motion to join with IPR2014-00660 under 35 U.S.C. § 315(d). Paper 14, 1. On the call, we denied authorization to file a motion to terminate under 315(d). We explained that, at least because there is a possibility of termination of the review in IPR2014-00660 due to settlement, the similarity of the issues in the present review to the issues in the IPR2014-00660 review would not be enough to persuade us to terminate the present proceeding.

We advised the parties that we would take Patent Owner's requests for authorization to file a motion for joinder and consolidation under advisement. We do not find that either joinder or consolidation would result in an overall increase in the efficiency of the proceedings for the Board and the parties. We find there may be efficiency gains for the Board and the parties by coordinating the schedules of IPR2014-00660 with this

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proceeding and, thus, have set initial due dates in the two cases to be the same or very close in time. Moreover, the parties remain free to stipulate to different dates for Due Dates 1 through 5 in both proceedings. Additionally, although many of the grounds involved in the two *inter partes* reviews are similar, there are differences between the grounds in each review, with different petitioners and different declarants. Also, as discussed, the due dates in the two proceedings, for the most part, are synchronized already. Therefore, consolidation or joinder would not simplify the schedule, briefings, depositions, or determinations necessary in the two proceedings. Accordingly, we deny authorization for Patent Owner to file motions for joinder and consolidation.

Therefore, it is

ORDERED that Petitioner's request for authorization to file a "motion, under 35 U.S.C. § 315(d), for the termination of this IPR" is denied,

FURTHER ORDERED that Petitioner's request for authorization to file a "motion, under 35 U.S.C. § 315(d), for the consolidation of this IPR" with IPR2014-00660 is denied, and

FURTHER ORDERED that Petitioner's request for authorization to file a "motion, under 35 U.S.C. § 315(d), for the joinder of this IPR" with IPR2014-00660 is denied.

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