

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AMERICAN SIMMENTAL ASSOCIATION,
Petitioner,

v.

LEACHMAN CATTLE OF COLORADO, LLC,
Patent Owner.

Case PGR2015-00005
Patent 8,725,557 B2

Before PHILLIP J. KAUFFMAN, MICHAEL W. KIM, and
ROBERT J. WEINSCHENK, *Administrative Patent Judges*.

KIM, *Administrative Patent Judge*.

DECISION

Stay of Reissue Application No. 14/516,372
37 C.F.R. § 42.222(a)

American Simmental Association (“Petitioner”) filed a Petition (“Pet.”) for post-grant review of claims 1–20 of U.S. Patent No. 8,725,557 B2 (“the ’557 patent”) (Ex. 1001) pursuant to 35 U.S.C. §§ 321–329. Paper 1. Leachman Cattle of Colorado, LLC (“Patent Owner”) filed a Preliminary Response. Paper 8; “Prelim. Resp.” On June 19, 2015, we authorized a post-grant review to be instituted as to claims 1–20 of the ’557 patent. Paper 16.

Patent Owner had filed previously a reissue of the '557 patent as Application No. 14/516,372 (“the '372 application”). No Office Action has been issued in the '372 application. In related reissue Application No. 14/516,353, however, a non-final action was issued by Art Unit 3993 rejecting claims 1-20 of U.S. Patent No. 8,660,888 B2 over some of the same grounds and references which are the subject of this post-grant review.

The Board will not ordinarily stay a reissue application because, in the absence of good cause, reissues are given special status. *See* MPEP § 1442. Conducting the above identified reissue concurrently with the instant proceeding, however, would duplicate efforts within the Office and could potentially result in inconsistencies between the proceedings. Amendment of the claims in the reissue proceeding could change the scope of the claims challenged in this proceeding while the Board is conducting its review.

Based upon the facts presented in the instant proceeding and in the '372 application, the Board exercises its discretion and it is:

ORDERED that the '372 application is stayed.

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