

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ALLSTEEL INC.,
Petitioner,

v.

DIRTT ENVIRONMENTAL SOLUTIONS LTD.,
Patent Owner.

Cases IPR2015-01690 (Patent 8,024,901 B2)
IPR2015-01691(Patent 8,024,901 B2)¹

Before SALLY C. MEDLEY, SCOTT A. DANIELS, and
JACQUELINE T. HARLOW, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

¹ This order addresses issues that are the same in the identified cases. We exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style heading.

IPR2015-01690 (Patent 8,024,901 B2)
IPR2015-01691 (Patent 8,024,901 B2)

On November 6, 2015, a conference call was held between counsel for the respective parties and Judges Medley, Daniels, and Harlow. The same patent is involved in both proceedings, and also is the subject of the following *ex parte* reissue proceedings: 14/032,931, 14/305,819, and 14/681,874. The purpose of the conference call was for Petitioner to seek authorization to file a motion to stay the *ex parte* reissue proceedings. The request to file the motion was opposed by Patent Owner.

The Board considered the arguments made by the Petitioner and the Patent Owner during the conference call, and determined that, based on the facts of these cases, a stay of the *ex parte* reissue proceedings is not warranted at this time. As noted by the panel during the conference call, the panel has not decided whether to institute an *inter partes* review in the instant proceedings. At such a preliminary stage, it would be premature to consider whether to stay the *ex parte* reissue proceedings, which would not comport with the goal of administering the proceedings in a just, speedy and inexpensive way. 37 C.F.R. § 42.1. Should the Board decide not to institute an *inter partes* review, any request to stay the *ex parte* reissue would become moot. For the foregoing reasons, Petitioner's request to file a motion to stay the *ex parte* reissue is denied without prejudice for Petitioner to renew its request upon a determination to institute trial.

IPR2015-01690 (Patent 8,024,901 B2)
IPR2015-01691 (Patent 8,024,901 B2)

Order

It is

ORDERED that Patent Owner's request to file a motion to stay the above identified reissue proceedings is *denied*.

PETITIONER:

Victor Jonas
Victor.jonas.ptab@faegrebd.com

Trevor Carter
Trevor.carter@faegrebd.com

Nicholas Anderson
Nick.anderson@faegrebd.com

PATENT OWNER:

Chad E. Nydegger
cnydegger@wnlaw.com

Michael J. Frodsham
mfrodsham@wnlaw.com

David R. Todd
dtodd@wnlaw.com

Robert L. Florence
rflorence@wnlaw.com