

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SDI TECHNOLOGIES, INC.

Petitioner

v.

BOSE CORPORATION

Patent Owner

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IPR2014-00346

Patent 8,364,295 B2

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Before KARL D. EASTHOM, MICHAEL J. FITZPATRICK, and  
DAVID C. McKONE *Administrative Patent Judges.*

EASTHOM, *Administrative Patent Judge.*

ORDER

Conduct of the Proceeding, Request for Hearing, and Motion for Joinder  
*37 C.F.R. §§ 42.5, 42.70(a), 42.122(b)*

Petitioner (“SDI”) moves for an oral hearing, under 37 C.F.R. § 42.70(a), to present argument for its motion to join the instant proceeding with IPR2013-00465, pursuant to 37 C.F.R. § 42.122(b). Papers 2, 10. Patent Owner (“Bose”) opposes the motion for joinder. Paper 9.

In the instant case, IPR2014-00346, Bose has not filed a patent owner preliminary response, and the Board has not rendered a decision on institution. Bose’s preliminary response is due on April 29, 2014. Under 35 U.S.C. § 315(c), “the Director, in his or her discretion, may join as a party to [an existing] inter partes review any person who properly files a petition that the Director, after receiving a preliminary response . . . determines warrants the institution of an inter partes review.”

Therefore, according to the statute, a decision on SDI’s motion for joinder is not ripe. If the Board does decide to institute an *inter partes* review in this case, the parties should be prepared to discuss the joinder motion at an initial teleconference, which would be set in the event of such a decision to institute.

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