

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ESSELTE CORPORATION, ESSELTE AB, AND ESSELTE LEITZ  
GMBH & CO. KG,  
Petitioner,

v.

DYMO B.V.B.A. AND SANFORD L.P.,  
Patent Owner.

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Case IPR2015-00766 (Patent 7,990,567 B2)  
Case IPR2015-00771 (Patent 7,140,791 B2)  
Case IPR2015-00779 (Patent 6,152,623)  
Case IPR2015-00781 (Patent 6,890,113 B2) <sup>1</sup>

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Before DAVID C. MCKONE, BARBARA A. PARVIS, and  
JO-ANNE M. KOKOSKI, *Administrative Patent Judges*.

PARVIS, *Administrative Patent Judge*.

INITIAL CONFERENCE SUMMARY  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

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<sup>1</sup> This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

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On September 21, 2015, Judges McKone, Parvis, and Kokoski held an initial conference with counsel for the parties in the above-referenced cases. The following subjects were discussed during the conference.

*Scheduling Order*

In each of the above-referenced cases, the parties filed a stipulation to modify Due Dates 1 through 4. Paper 19.<sup>2</sup> The parties do not have other proposed changes to the Scheduling Order. We reminded the parties that, if the parties stipulate to any changes in Due Dates 1 through 5 of the Scheduling Order, the stipulated dates cannot be later than Due Date 6, and the parties promptly must file any additional joint stipulation indicating such changes.

*Counsel for Patent Owner*

On April 6, 2015, Patent Owner filed Mandatory Disclosures identifying as lead and back-up counsel, Mr. Mitchell G. Stockwell and Mr. Wab P. Kadaba, respectively, of Kilpatrick Townsend & Stockton LLP. Paper 7. On May 18, 2015, Patent Owner filed Updated Mandatory Notices identifying as lead counsel Mr. W. Karl Renner of Fish & Richardson P.C. Paper 9. On July 16, 2015, Patent Owner filed a Notice of Designation of Additional Back-up Counsel identifying as back-up counsel Mr. Thad C. Kodish of Fish & Richardson P.C. Paper 13. Mr. Kodish participated on behalf of the Patent Owner in the call on September 21, 2015.

We reminded the parties that although a party may designate lead counsel and back-up counsel (37 C.F.R. § 42.10(a)), counsel may not

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<sup>2</sup> Unless otherwise noted, citations herein will be to IPR2015-00766.

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withdraw from a proceeding before the Board unless the Board authorizes such withdrawal (37 C.F.R. § 42.10(e)). Mr. Kodish indicated that he will confer with his co-counsel to determine if they wish to withdraw and, if so, they will request authorization to file a motion to withdraw.

#### *Motion to Seal*

On June 16, 2015, Patent Owner filed a Motion to Seal an Agreement (Exhibit 2002) and a Disclosure Schedule (Exhibit 2003). Paper 12. We reminded the parties that there is a strong public policy for making all information filed in *inter partes* review proceedings open to the public. *See Garmin Int’l, Inc. v. Cuozzo Speed Techs., LLC*, Case IPR2012-00001 (PTAB, March 14, 2013) (Paper 34). The standard for granting a motion to seal is “good cause.” 37 C.F.R. § 42.54.

We defer ruling on Patent Owner’s Motion to Seal (Paper 12). The parties agree to meet and confer to work on a stipulation that would avoid any necessity for sealing the documents. If such a joint stipulation is filed, the parties will request that we expunge Exhibits 2002 and 2003. If the parties are unable to reach a stipulation, the parties must alert the Board and seek further guidance on resolving the issue of confidentiality.

#### *Other Motions*

Prior to the conference call, Petitioner submitted a paper indicating it may want to file certain motions if deemed necessary later in the proceeding. Paper 18. During the call, Petitioner confirmed that at this time it does not seek authorization to file any particular motions. Patent Owner did not submit a list of proposed motions.

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At this time, we do not authorize any motions. As a reminder to the parties, the parties must seek authorization before filing motions that are not authorized in the Scheduling Order (Paper 15) or by rule.

Additionally, we asked whether Patent Owner contemplates a motion to amend. Patent Owner indicated that it is unsure whether it will file a motion to amend. We reminded Patent Owner that, if Patent Owner should decide to file a motion to amend, Patent Owner must request a conference with us, preferably at least ten business days prior to the filing due date.

Accordingly, it is:

ORDERED that the parties shall meet and confer promptly on a stipulation regarding Exhibits 2002 and 2003 and jointly report the results of their conference to the Board, by email to [Trials@uspto.gov](mailto:Trials@uspto.gov), no later than October 7, 2015; and

FURTHER ORDERED that no additional motions are authorized at this time.

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