

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANFIELD SCIENTIFIC, INC.,
Petitioner,

v.

MELANOSCAN, LLC,
Patent Owner.

Case IPR2017-02125
Patent 7,359,748

Before JOHN C. KERINS, MICHAEL W. KIM, and SCOTT C. MOORE,
Administrative Patent Judges.

KERINS, *Administrative Patent Judge.*

ORDER

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

On April 24, 2018, the Supreme Court held that a decision to institute under 35 U.S.C. § 314 may not institute on less than all claims challenged in the petition. *SAS Inst., Inc. v. Iancu*, 2018 WL 1914661, at *10 (U.S. Apr. 24, 2018). In our Decision on Institution, we determined that Petitioner demonstrated a reasonable likelihood that it would establish that at least one of the challenged claims of U.S. Patent 7,359,748 is unpatentable. Paper 15, 12–37. We modify our Decision on Institution to institute on all of the challenged claims and all of the grounds presented in the Petition.

The parties shall confer to discuss the impact, if any, of this Order on the current schedule. If, after conferring, the parties wish to change the schedule or submit further briefing, the parties must, within one week of the date of this Order, request a conference call with the panel to seek authorization for such changes or briefing.

In consideration of the foregoing, it is hereby:

ORDERED that our Decision on Institution is modified to include review of all challenged claims and all grounds presented in the Petition; and

FURTHER ORDERED that Petitioner and Patent Owner shall confer to determine whether they desire any changes to the schedule or any further briefing, and, if so, shall request a conference call with the panel to seek authorization for such changes or briefing within one week of the date of this Order.

IPR2017-02125
Patent 7,359,748

PETITIONER:

Julianne M. Hartzell
Sandip H. Patel
MARSHALL, GERSTEIN & BORUN LLP
jhartzell@marshallip.com
spatel@marshallip.com

PATENT OWNER:

Mark D. Giarratana
Kevin L. Reiner
McCARTER & ENGLISH LLP
mgiarratana@mccarter.com
kreiner@mccarter.com