

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

GC CORPORATION AND GC AMERICA, INC.,  
Petitioner,

v.

ARDENT, INC.,  
Patent Owner.

---

Cases:<sup>1</sup> IPR2018-00940 (Patent 6,802,894 B2)  
IPR2018-00941 (Patent 6,455,451 B1)

---

Before JEFFREY B. ROBERTSON, CHRISTOPHER L. CRUMBLEY, and  
WESLEY B. DERRICK, *Administrative Patent Judges*.

CRUMBLEY, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding; Oral Argument  
*37 C.F.R. §§ 42.5, 42.70(a)*

---

<sup>1</sup> These related cases involve the same parties, related patents, and similar filing dates, and thus we exercise our discretion to enter a consolidated scheduling order in both. The parties are not authorized to use this consolidated caption.

As set forth in the consolidated Scheduling Order entered in each of these instituted *inter partes* review trials, Patent Owner's response to the Petition was due February 11, 2019; Petitioner's Reply to the Patent Owner's Response was due May 9, 2019, and both parties' requests for oral argument were due July 9, 2019. Paper 8.<sup>2</sup> Those dates have now passed, and neither party filed the authorized merits briefs, nor did either party file a request for oral argument. The Board, therefore, deems it appropriate to proceed to issue final written decisions without additional briefing or oral argument.

In addition, on May 7, 2019, counsel for Petitioner contacted the Board via email to update the panel regarding the status of the copending investigation at the International Trade Commission (ITC). In particular, it appears the ITC has issued several decisions that may have relevance to our decision on patentability of the '894 patent at issue in IPR2018-00940. Petitioner's counsel offered to provide the Board with copies of the various ITC decisions.

The parties are hereby authorized to file a joint paper in each *inter partes* review providing the Board with the current status of any related District Court and ITC proceedings, including whether the ITC's decision is subject to further changes or is being appealed. The paper should also specify, for each claim at issue in the *inter partes* review, any ITC determination bearing on the validity of that claim, with citation to the relevant decision or decisions. Along with the joint paper, the parties are

---

<sup>2</sup> Citations herein are to the record in IPR2018-00940. Substantially similar papers may be found in the record of IPR2018-00941.

IPR2018-00940 (Patent 6,802,894 B2)

IPR2018-00941 (Patent 6,455,451 B1)

authorized to submit as exhibits the ITC decisions identified by Petitioner in its email to the Board.

In light of the foregoing, it is:

ORDERED that the parties are authorized to submit a joint filing, as described above, in each case; and

FURTHER ORDERED that no oral argument will be held in either *inter partes* review, and the Board will proceed to final written decisions in each trial.

IPR2018-00940 (Patent 6,802,894 B2)

IPR2018-00941 (Patent 6,455,451 B1)

**PETITIONER:**

Carrie A. Beyer

Nikola Colic

DRINKER BIDDLE & REATH LLP

carrie.beyer@dbr.com

nick.colic@dbr.com

**PATENT OWNER:**

Cedric C.Y. Tan

Ahmed Abdel-Rahman

PILLSBURY WINTHROP SHAW PITTMAN LLP

cedric.tan@pillsburylaw.com

ahmed.abdelrahman@pillsburylaw.com