

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHINA CHENGDA ENGINEERING CO., LTD.,
Petitioner,

v.

DORIAMO LTD.,
Patent Owner.

IPR2023-00365
Patent 8,591,852 B2

Before JO-ANNE M. KOKOSKI, JEFFREY W. ABRAHAM, and
JANE E. INGLESE, *Administrative Patent Judges*.

ABRAHAM, *Administrative Patent Judge*.

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

China Chengda Engineering Co., Ltd. (“Petitioner”) filed a Petition for an *inter partes* review (Paper 2 (“Pet.”)) challenging claims 1–10 of U.S. Patent No. 8,591,852 B2 (Ex. 1001 (“the ’852 patent”)). Doriamo Ltd. (“Patent Owner”) filed a Preliminary Response. Paper 6 (“Prelim. Resp.”). After receiving authorization from the Board, Petitioner filed a Reply to Patent Owner’s Preliminary Response (Paper 8 (“Reply”)) and Patent Owner filed a Sur-reply (Paper 12).

On July 6, 2023, the Board instituted an *inter partes* review of claims 1–10 of the ’852 patent on all challenges included in the Petition. Paper 13. The Board also issued a Scheduling Order that set forth September 28, 2023 as the due date for Patent Owner’s Response to the Petition. Paper 14, 11. Further, the Scheduling Order instructed Patent Owner to arrange a conference call with the parties and the Board if Patent Owner elected not to file a response to the Petition. Paper 14, 9. Patent Owner did not file a response to the Petition or arrange a conference call with the parties and the Board.

The Board’s rules provide that “[a] party may request [adverse] judgment against itself at any time during a proceeding.” 37 C.F.R. § 42.73(b). “Actions construed to be a request for adverse judgment include . . . [a]bandonment of the contest.” *Id.* Patent Owner’s failure to file substantive papers in this proceeding is consistent with abandonment of the contest.

ORDER

Accordingly, it is

ORDERED that within ten business days from the entry of this Order, Patent Owner must show cause why adverse judgment should not be entered against it; upon failure to respond or absent a showing of good cause, adverse judgment may be entered against Patent Owner as to claims 1–10 of the '852 patent;

FURTHER ORDERED that Petitioner may respond to any filing by Patent Owner within five business days of the date of Patent Owner's filing; and

FURTHER ORDERED that any filing by Patent Owner and responsive filing by Petitioner shall not exceed seven pages.

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FOR PETITIONER:

Eliot Williams
Jennifer Tempesta
Zhengmao Zhu
Boyang Zhang
BAKER BOTTS L.L.P.
eliot.williams@bakerbotts.com
jennifer.tempesta@bakerbotts.com
frank.zhu@bakerbotts.com
boyang.zhang@bakerbotts.com

FOR PATENT OWNER:

Matthew J. Dowd
Robert J. Scheffel
DOWD SCHEFFEL PLLC
mdowd@dowdscheffel.com
rscheffel@dowdscheffel.com

Matthew J. Dowd
Robert J. Scheffel
DOWD SCHEFFEL PLLC
mdowd@dowdscheffel.com
rscheffel@dowdscheffel.com