

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MAHLE BEHR CHARLESTON INC.,
Petitioner,

v.

FRANK AMIDIO CATALANO,
Patent Owner.

IPR2023-00861
Patent RE47,494 E

Before GRACE KARAFFA OBERMANN, JON B. TORNQUIST, and
CHRISTOPHER M. KAISER, *Administrative Patent Judges*.

KAISER, *Administrative Patent Judge*.

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

MAHLE Behr Charleston Inc. (“Petitioner”) filed a petition for an *inter partes* review (Paper 1) challenging claims 12, 15–17, 19–29, 31–40, and 42–47 of U.S. Patent No. RE47,494 E (Ex. 1001). Frank Amidio Catalano (“Patent Owner”) filed a Preliminary Response. Paper 12. We determined that the information presented in the Petition did not establish a reasonable likelihood that Petitioner would prevail with respect to at least one of the challenged claims, so we did not institute an *inter partes* review. Paper 13. Petitioner requested Director review of our decision denying institution (Paper 14), and the Director granted review and remanded the case to us to reconsider our decision. Paper 15.

The Director’s decision does not specify a date by which our decision on remand must issue, but we note that it directs us to “consider what effect, if any, [it] has on [all of Petitioner’s] asserted grounds.” *Id.* at 9. Accordingly, we set May 31, 2024, as the date by which we intend to issue a decision reconsidering, on remand, each of Petitioner’s asserted grounds under the Director’s instructions.

ORDER

In light of the foregoing, it is hereby:

ORDERED that a decision reconsidering, on remand, each of Petitioner’s asserted grounds shall issue no later than May 31, 2024.

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