

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WALGREEN CO., AHOLD USA, INC., DELHAIZE AMERICA, LLC,
AND PUBLIX SUPER MARKETS, INC.,
Petitioner,

v.

ADVANCED MARKETING SYSTEMS, LLC,
Patent Owner.

Cases CBM2016-00012
CBM2016-00013
CBM2016-00014
CBM2016-00015
Patents 8,219,445 B2
8,370,199 B2
8,538,805 B2

Before THOMAS L. GIANNETTI, TREVOR M. JEFFERSON, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

WEATHERLY, *Administrative Patent Judge*.

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

On September 14, 2016, pursuant to Petitioner's request, we
conducted a telephone conference to determine whether to authorize

CBM2016-00012, -00013, -00014, and -00015
Patent 8,219,445 B2; 8,370,199 B2; and 8,538,805 B2

Petitioner to file a motion for a protective order in these proceedings. In advance of the conference, counsel provided us with a copy of the protective order entered in the Eastern District of Texas in parallel district court litigation. Attorneys Palys, Modi, Citroën, Weeks, and Jagtiani and Judges Giannetti, Jefferson, and Weatherly attended the conference. A court reporter also attended the conference.

The protective order proposed by Petitioner would bar certain attorneys who represent Patent Owner in the related litigation in the U.S. District Court for the Eastern District of Texas from directly or indirectly participating in these proceedings. Petitioner suggested that such participation has occurred, despite entry of a protective order barring such activities in the related litigation. All parties represented that no party currently contemplates relying upon confidential information to make its case in these proceedings. Thus, no party urges us to enter a protective order to protect confidential information in these proceedings.

Seeing no reason to enter a protective order in these proceedings to address matters that are already the subject of an order in the related litigation, we denied Petitioner's request for authorization to move for entry of a protective order in these proceedings. Accordingly, it is:

ORDERED that Petitioner's request for authorization to move for entry of a protective order is denied; and

FURTHER ORDERED that the party that requested the court reporter is directed to file a copy of the transcript as an exhibit as soon as practicable.

CBM2016-00012, -00013, -00014, and -00015
Patent 8,219,445 B2; 8,370,199 B2; and 8,538,805 B2

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