

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HEARTLAND TANNING, INC.
Petitioner

v.

SUNLESS, INC.
Patent Owner

Case IPR2014-00018
Patent 8,201,288 B2

Before FRANCISCO C. PRATS and RAMA G. ELLURU

ELLURU, *Administrative Patent Judge.*

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

On April 22, 2014, an initial conference was held among counsel for Petitioner, Heartland Tanning, Inc., and Patent Owner, Sunless, Inc., and Judges Elluru and Prats. The following matters were discussed.

Settlement Discussion. The parties indicated that settlement discussions are ongoing, but that no settlement had been reached at this time.

Scheduling Order. Patent Owner stated that it wants to extend DUE DATE 1, but that Petitioner has not agreed to changing that date. Petitioner stated that it does not oppose extending DUE DATE 1, but would want to extend DUE DATE 2 if DUE DATE 1 is extended. The panel directed the parties to continue to meet and confer with respect to changing those due dates. As the Scheduling Order indicates, the parties may stipulate to different dates for DUE DATES 1 through 3 (earlier or later, but no later than DUE DATE 4). The parties promptly must file a notice of the stipulation, specifically identifying the changed due dates.

Motions List. Neither party filed a list of proposed motions prior to the conference. Patent Owner indicated that it might possibly file a motion to amend. We noted that prior to filing a motion to amend, Patent Owner must confer with the panel pursuant to 37 C.F.R. § 42.121(a).

Patent Owner's Paper No. 19. Patent Owner filed a paper titled "Patent Owner Sunless, Inc.'s Response to Heartland Tanning, Inc.'s Objections to Exhibits." Paper No. 19. We will expunge Paper No. 19 from the record. A party may not file a paper in the record without prior authorization. If a party desires to bring to the attention of the panel an unresolved dispute between the parties, it may contact the Board to set up a conference call with the panel to discuss the dispute.

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Accordingly, it is:

ORDERED: The parties are directed to meet and confer with respect to changing DUE DATES 1 and 2.

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