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IPR2016-01000, Paper 33  
IPR2016-01003, Paper 32  
IPR2016-01099, Paper 29  
IPR2016-01100, Paper 33

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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PACKERS PLUS ENERGY SERVICES INC.,  
Petitioner,

v.

BAKER HUGHES OILFIELD OPERATIONS, INC.,  
Patent Owner.

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IPR2016-01000 (Patent 9,038,656 B2)<sup>1</sup>  
IPR2016-01003 (Patent 8,261,761 B2)  
IPR2016-01099 (Patent 6,006,838)  
IPR2016-01100 (Patent 6,848,505 B2)

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Before MITCHELL G. WEATHERLY, BEVERLY M. BUNTING, and  
ROBERT L. KINDER, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

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

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<sup>1</sup> This order addresses issues common to all cases; therefore, we issue a single order to be entered in each case. The parties are not authorized to use this style heading for any subsequent papers.

IPR2016-01000 (Patent 9,038,656 B2)  
IPR2016-01003 (Patent 8,261,761 B2)  
IPR2016-01099 (Patent 6,006,838)  
IPR2016-01100 (Patent 6,848,505 B2)

On October 6, 2017, Patent Owner sent an email correspondence to the Board seeking a conference call to request authorization to file a motion to dismiss for lack of jurisdiction in the above-referenced cases under 37 C.F.R. § 42.20(b). Specifically, on the basis that *inter partes* review in these proceedings violates Article III and the Seventh Amendment of the Constitution. *See Ex. 3001.*<sup>2</sup> Patent Owner's email has been entered in the record as Exhibit 3001.

Patent Owner indicates the purpose of its request is to preserve the issue in light of the Supreme Court's recent grant of certiorari in *Oil States Energy Services, LLC v. Greene's Energy Group, LLC*, 2017 WL 2507340 (U.S. June 12, 2017). We note, however, that Patent Owner's argument is foreclosed under existing Federal Circuit precedent. *See id.*; *see also MCM Portfolio LLC v. Hewlett-Packard Co.*, 812 F.3d 1284 (Fed. Cir. 2015) (holding *inter partes* review does not violate Article III or the Seventh Amendment right to a jury trial).

Under the circumstances, rather than additional briefing that would result from filing a motion, entry of this Order noting Patent Owner's request should be sufficient for its intended purpose of preserving this issue. Accordingly, Patent Owner's position is noted and its request for authorization to file a motion to dismiss is denied.

Accordingly, it is:

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<sup>2</sup> Citations are to IPR2016-01000.

IPR2016-01000 (Patent 9,038,656 B2)  
IPR2016-01003 (Patent 8,261,761 B2)  
IPR2016-01099 (Patent 6,006,838)  
IPR2016-01100 (Patent 6,848,505 B2)

ORDERED that Patent Owner's request for authorization to file a motion to dismiss is *denied*.

PETITIONER:

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