

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRICKLESTAR LLC,
Petitioner,

v.

EMBERTEC PTY LTD.,
Patent Owner.

Case IPR2016-01336
Patent 9,106,099 B2

Before BARBARA A. BENOIT, LYNNE E. PETTIGREW, and
STACY B. MARGOLIES, *Administrative Patent Judges*.

MARGOLIES, *Administrative Patent Judge*.

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

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A telephone conference was held on April 12, 2017 before Judges Benoit, Pettigrew, and Margolies. Shawn Hansen appeared on behalf of TrickleStar LLC (“Petitioner”) and Jonathan Tuminaro and Michael Ray appeared on behalf of Embertec Pty Ltd. (“Embertec” or “Patent Owner”). The purpose of the telephone conference was to address the March 17, 2017 email from Mr. Tuminaro stating that Embertec will not be filing a Patent Owner Response in this proceeding.

We asked counsel for Patent Owner whether Patent Owner is abandoning the contest, which would be construed as a request for adverse judgment pursuant to 37 C.F.R. § 42.73(b)(4). Mr. Tuminaro represented that Patent Owner is not abandoning the contest.

Accordingly, this *inter partes* review shall proceed based on the arguments and evidence presented in the Petition.

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