

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

TRICKLESTAR LLC,  
Petitioner,

v.

EMBERTEC PTY LTD.,  
Patent Owner.

---

Case IPR2017-00839  
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*

IPR2017-00839  
Patent 9,106,099 B2

On February 1, 2017, Trickle Star LLC (“Petitioner”) filed a petition to institute *inter partes* review of claims 8 and 10–16 of U.S. Patent No. 9,106,099 B2 (“the ’099 patent”). Paper 2 (“Petition”). On May 3, 2017, Embertec Pty Ltd. (“Patent Owner”) filed a preliminary response. Paper 10 (“Preliminary Response”). On July 10, 2017, upon consideration of the Petition and the Preliminary Response, we instituted an *inter partes* review of claims 8 and 10–16 of the ’099 patent (Paper 11) and issued a Scheduling Order (Paper 12). On October 10, 2017, counsel for Patent Owner sent an email to Trials@uspto.gov, stating the following: “Embertec will not be filing a Patent Owner Response in IPR2017-00839. That said, Embertec is not abandoning the contest.” Ex. 3003.

Per the terms of the Scheduling Order, either party was permitted to request oral argument by March 5, 2018. Paper 12, 7 (DUE DATE 4). The deadline to request oral argument has now passed, and neither party has requested oral argument. We do not find oral argument to be necessary to resolve the issues in this proceeding.

Accordingly, it is hereby ORDERED that no oral argument will take place in this proceeding.

IPR2017-00839  
Patent 9,106,099 B2

FOR PETITIONER:

Shawn G. Hansen  
Jennifer Hayes  
NIXON PEABODY LLP  
shansen@nixonpeabody.com  
jenhayes@nixonpeabody.com

FOR PATENT OWNER:

Jonathan Tuminaro  
Michael B. Ray  
Tyler Dutton  
STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.  
jtuminar-PTAB@skgf.com  
mray-PTAB@skgf.com  
tdutton-PTAB@skgf.com