

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FANDUEL, INC.
DRAFTKINGS, INC.
BWIN.PARTY DIGITAL ENTERTAINMENT PLC,
Petitioners,

v.

CG TECHNOLOGY DEVELOPMENT, LLC,
Patent Owner.

Case IPR2017-00902
Patent RE39,818

Before THOMAS L. GIANNETTI, BARRY L. GROSSMAN, and
MITCHELL G. WEATHERLY, *Administrative Patent Judges*.

GROSSMAN, *Administrative Patent Judge*.

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

On May 22, 2018, Petitioners contacted the Board by e-mail to request a conference call.¹ The stated purpose of the call is to discuss consolidating the hearing dates for IPR2017-00902 (the “’00902 proceeding”) and IPR2017-01532 (the “’01532 proceeding”). There is no need for a telephone conference. We can address the request based on the facts of record.

Petitioners propose that the hearing date of the ’00902 proceeding be changed from July 16, 2018, to August 22, 2018, and be consolidated with the hearing scheduled in the ’01532 proceeding scheduled for August 22. Petitioners state “it would be more efficient to have the above-noted hearings held on the same date to conserve the parties and the Board’s resources.” We disagree.

The ’00902 proceeding and the ’01532 proceeding involve different patents with no substantive relationship between them. The two proceedings also involve different references; different PTAB panels; different evidentiary objections; different schedules for issuance of a final written decision; and different Patent Owners. Under these circumstances, there are few, if any, efficiencies realized from a common hearing date of August 22, and no good cause for the proposed change.

¹ We remind the parties that, as required by the Scheduling Order in this case, when requesting a telephone conference with the Board, “[t]he request must include a list of dates and times when both parties are available for the call.” *See* Paper 15, 3 (Section 2(f)).

IPR2017-00902
Patent RE39,818

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioners' request to change the hearing date in IPR2017-00902 from July 16, 2018, to August 22, 2018, and to consolidate the hearing in IPR2017-00902 with a hearing in IPR2017-01532 scheduled for August 22, 2018, is DENIED.

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