

UNITED STATES PATENT AND TRADEMARK OFFICE

---

BEFORE THE PATENT TRIAL AND APPEAL BOARD

---

K/S HIMPP,  
Petitioner,

v.

BENHOV GMBH, LLC,  
Patent Owner.

---

Case IPR2017-00930  
Patent 8,170,884 B2

---

Before BARBARA A. PARVIS, DANIEL N. FISHMAN, and  
CHARLES J. BOUDREAU, Administrative Patent Judges.

FISHMAN, Administrative Patent Judge.

ORDER  
Conduct of Proceedings  
*37 C.F.R. § 42.5*

In its Petition for inter partes review (Paper 2; “Pet.”), Petitioner acknowledges for purposes of this proceeding that U.S. Patent No. 8,170,884 B2 (“the ’884 Patent”) claims priority to April 14, 1998. Pet. 4. In its Preliminary Response (Paper 6, “Prelim. Resp.”), Patent Owner does not address the priority date of the ’884 Patent.

The priority claims for the ’884 patent form a complex chain dating back to April 14, 1998, that includes divisional, continuation, and continuation-in-part priority claims, as well as a terminal disclaimer and a patent term adjustment (that may be negated by the terminal disclaimer). *See* Ex. 1001, 1. Although neither party addresses the expiration date of the ’884 patent, the expiration date may fall within the time frame of this proceeding and, thus, impact the claim construction standard to be applied. *See* 37 C.F.R. § 42.100(b).

Accordingly, it is:

ORDERED that, pursuant to 37 C.F.R. § 42.5, Patent Owner shall confer with Petitioner and shall file a notice within three business days of the date of this Order that sets forth the date on which the parties represent the ’884 patent will expire.

IPR2017-00930  
Patent 8,170,884 B2

PETITIONER:

Donald R. Steinberg

Yung-Hoon Ha

Haixia Lin

Christopher R. O'Brien

Vera A. Shmidt

WILMER CUTLER PICKERING HALE AND DORR LLP

[Don.Steinberg@wilmerhale.com](mailto:Don.Steinberg@wilmerhale.com)

[Yung-Hoon.Ha@wilmerhale.com](mailto:Yung-Hoon.Ha@wilmerhale.com)

[Haixia.Lin@wilmerhale.com](mailto:Haixia.Lin@wilmerhale.com)

[Christopher.OBrien@wilmerhale.com](mailto:Christopher.OBrien@wilmerhale.com)

[Vera.Shmidt@wilmerhale.com](mailto:Vera.Shmidt@wilmerhale.com)

PATENT OWNER:

Henry A. Petri, Jr.,

James P. Murphy

Margaux A. Savee

POLSINELLI PC

[hpetri@polsinelli.com](mailto:hpetri@polsinelli.com)

[jpmurphy@polsinelli.com](mailto:jpmurphy@polsinelli.com)

[msavee@polsinelli.com](mailto:msavee@polsinelli.com)

Tim R. Seeley

Russ Rigby

INTELLECTUAL VENTURES

[tims@intven.com](mailto:tims@intven.com)

[rrigby@intven.com](mailto:rrigby@intven.com)