

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

WARGAMING GROUP LIMITED,
Petitioner,

v.

GAME AND TECHNOLOGY CO., LTD.,
Patent Owner.

Case IPR2017-01082
Patent 7,682,243 B2

Before STACEY G. WHITE, DANIEL J. GALLIGAN, and
SCOTT B. HOWARD, *Administrative Patent Judges*.

GALLIGAN, *Administrative Patent Judge*.

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

On October 24, 2017, we issued an Order setting forth discovery and briefing deadlines with respect to the issue of whether Wargaming.net LLP, a real party-in-interest to Petitioner, was served with a complaint alleging infringement of the '243 patent more than one year before the filing of the Petition. Paper 16. Patent Owner has submitted evidence that purportedly shows that service of process was effected upon Wargaming.net LLP prior to the bar date for this proceeding. Petitioner argues the evidence shows that service was not effective for several reasons, including that the alleged set of service documents did not include the required summons. Based on the record before us, we are not convinced that the evidence submitted is sufficient to show that effective service was achieved. In particular, the evidence before us is not conclusive as to whether a proper summons was included in the papers that purportedly were delivered to Wargaming.net LLP. Having considered the parties' briefs on this issue (*see* Papers 24, 25, and 28) as well as the evidence submitted, we deny Patent Owner's request to dismiss the Petition as time-barred under 35 U.S.C. § 315(b). This denial is without prejudice, and the parties are free to address this issue further in their remaining papers. We also reserve ruling on Petitioner's Motion to Exclude. *See* Paper 30.

It is so ORDERED.

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