

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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UNITED INDUSTRIES CORPORATION,  
Petitioner,

v.

SUSAN McKNIGHT, INC.,  
Patent Owner.

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Case IPR2017-01686  
Patent 9,253,973 B2

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Before JAMES A. TARTAL, TIMOTHY J. GOODSON, and  
RICHARD H. MARSCHALL, *Administrative Patent Judges*.

TARTAL, *Administrative Patent Judge*.

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

IPR2017-01686  
Patent 9,253,973 B2

A conference call was held on April 11, 2018, between United Industries Corporation (“Petitioner”), Susan McKnight, Inc. (“Patent Owner”), and Judges Tartal, Goodson, and Marschall in response to Patent’s Owner’s request to discuss its intent to file a motion to amend claims of U.S. Patent No. 9,253,973 B2 (“the ’973 patent”). *See* 37 C.F.R. § 42.121(a); *see also* Paper 8, 4 (Case Management and Scheduling Order).

The requirements for filing a motion to amend were discussed generally during the conference call. For additional guidance, see Memorandum re: Guidance on Motions to Amend in view of Aqua Products (Nov. 21, 2017)<sup>1</sup> and *Sprint Spectrum L.P. v. General Access Solutions, Ltd.*, Case IPR2017-01885, slip op. 3–9 (PTAB March 9, 2018) (Paper 8).

#### ORDER

In consideration of the foregoing, it is:

ORDERED that Patent Owner has satisfied the requirement of conferring with the Board prior to filing a motion to amend under 37 C.F.R. § 42.121(a), and,

FURTHER ORDERED that Petitioner shall contact the Board promptly if it determines it will seek leave to file a surreply with respect to a motion to amend and that, if leave is granted, the surreply shall be filed by Due Date 4 set forth in the Case Management and Scheduling Order (Paper 8, 8).

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<sup>1</sup> [https://www.uspto.gov/sites/default/files/documents/guidance\\_on\\_motions\\_to\\_amend\\_11\\_2017.pdf](https://www.uspto.gov/sites/default/files/documents/guidance_on_motions_to_amend_11_2017.pdf)

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