

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MOBILE TECH, INC.,  
Petitioner,

v.

INVUE SECURITY PRODUCTS INC.,  
Patent Owner.

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Case IPR2018-01138  
Patent 9,659,472 B2

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Before JUSTIN T. ARBES, STACEY G. WHITE, and  
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

An Oral Hearing in this matter was held on August 29, 2019. During that hearing, we ordered the parties to meet and confer regarding the potential application of collateral estoppel to issues in this proceeding in light of prior decisions of the Board and the Federal Circuit regarding patents related to U.S. Patent No. 9,659,472 B2. On September 10, 2019, the parties sent an email to the Board (Ex. 3001) regarding their agreements and disagreements as to the application of collateral estoppel.<sup>1</sup>

As to the disagreements, the parties' email included a section labeled "Where Parties Dispute That Any Estoppel Applies" stating that the parties dispute whether "collateral estoppel applies to the additional limitations added by dependent claims 2–10, 12–16, 18–24, 26–38, and 40–45." *Id.* The Board would like to hear from the parties as to these areas of disagreement. Petitioner is authorized to file a brief of no more than ten pages explaining its views regarding the application of collateral estoppel to dependent claims 2–10, 12–16, 18–24, 26–38, and 40–45, due by no later than September 26, 2019. Patent Owner is authorized to then file a responsive brief of no more than ten pages, due by no later than October 10, 2019. No additional evidence may be filed and no reply briefs are authorized.

Accordingly, it is:

ORDERED that the Petitioner is authorized to file, by September 26, 2019, a brief of no more than ten pages regarding the application of

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<sup>1</sup> There are other proceedings between the parties regarding related patents. We understand the parties' statements as to collateral estoppel to be directed to only this proceeding, IPR2018-01138.

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collateral estoppel to dependent claims 2–10, 12–16, 18–24, 26–38, and 40–45; and

FURTHER ORDERED that Patent Owner is authorized to file, by October 10, 2019, a responsive brief of no more than ten pages.

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