

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LEE SPECIALTIES, INC.,
Petitioner,

v.

FHE USA LLC,
Patent Owner.

IPR2019-01366
Patent 10,030,461 B2

Before JAMES A. TARTAL, MICHAEL L. WOODS, and
SEAN P. O'HANLON, *Administrative Patent Judges*.

O'HANLON, *Administrative Patent Judge*.

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

I. INTRODUCTION

A conference call in this proceeding was held on January 21, 2020, among counsel for Petitioner Lee Specialties, Inc. (Greg Webb), counsel for Patent Owner FHE USA LLC (Douglas Nemec), and Judges Tartal, Woods, and O'Hanlon. The purpose of the call was to address Petitioner's request to file documents from the district court litigation involving the '461 patent. During the conference call, we *granted* Petitioner's request.

II. DISCUSSION

Petitioner requests to submit: 1) an order on the joint motion to dismiss with prejudice, filed as document 37 in the Louisiana litigation,¹ and 2) an order cancelling the Markman hearing, filed as document 63 in the Texas litigation.² During the conference call, Petitioner indicated that it did not seek to file any comments or arguments along with the trial documents, and Patent Owner indicated that it did not oppose the filing of the two trial documents.

Given the lack of dispute, and as we indicated during the conference call, Petitioner's request is *granted*. Petitioner is authorized to file as exhibits the two trial documents identified above. Petitioner is not authorized to submit any arguments or other comments, and no other filing is authorized. Petitioner's filing is due by Wednesday, January 22, 2020.

¹ *FHE USA LLC v. Express Supply & Rental LLC*, No. 6-18-cv-00913 (W.D. La. filed July 12, 2018).

² *FHE USA LLC v. Lee Specialties Inc.*, No. 5-18-cv-00715 (W.D. Tex. filed July 12, 2018).

III. ORDER

Accordingly, it is:

ORDERED that Petitioner's request for authorization to file an order on the joint motion to dismiss with prejudice, filed as document 37 in the Louisiana litigation, and an order cancelling the Markman hearing, filed as document 63 in the Texas litigation, is *granted*; and

FURTHER ORDERED that Petitioner shall file copies of the two trial documents as exhibits by Wednesday, January 22, 2020.

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