

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TRIPLE PLUS LTD.,
Petitioner,

v.

MORDECHAI BEN OLD,
Patent Owner.

Case PGR2018-00038
Patent 9,671,031 B2

Before BART A. GERSTENBLITH, GEORGE R. HOSKINS, and
FRANCES L. IPPOLITO, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

ORDER
Cancelling Oral Argument and
Requiring Patent Owner to Show Cause
37 C.F.R. §§ 42.05, 42.70

The Scheduling Order sets April 18, 2019, as the date by which to request oral argument. Paper 9, 7. On April 19, 2019, Triple Plus Ltd. (“Petitioner”) filed a notice indicating that it does not seek oral argument. Paper 12. As of the date of this Order, Mordechai Ben Old (“Patent Owner”) has not filed a request for oral argument. Accordingly, there will not be oral argument in this proceeding.

Additionally, Petitioner filed a Motion to Exclude Paper 7 on April 19, 2019. *See* Paper 13. In the Motion, Petitioner contends Patent Owner has “refused to participate in [this] proceeding[]—he did not submit a Response; he failed to respond to correspondence about routine discovery; and he failed to appear for his noticed deposition or otherwise respond to efforts to arrange his deposition.” *Id.* at 1. Patent Owner’s last filing in this case was on June 3, 2018. *See* Paper 7 (Patent Owner’s Preliminary Response). Since then, to our knowledge, Patent Owner has not participated in this case. Accordingly, we hereby order Patent Owner to contact the Board by filing a paper in the record of this proceeding on or before May 30, 2019, acknowledging receipt of this Order, and showing cause as to why adverse judgment should not be issued against Patent Owner for abandonment of the contest pursuant to 37 C.F.R. § 42.73(b)(4). Depending on Patent Owner’s response, a conference call may be scheduled with the parties to discuss whether Patent Owner should be found to have abandoned the contest pursuant to 37 C.F.R. § 42.73(b)(4), and adverse judgment issued against Patent Owner.

It is:

ORDERED that oral argument is cancelled; and

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FURTHER ORDERED that Patent Owner shall appear (by filing a paper in the record of this proceeding) on or before May 30, 2019, and show cause as to why adverse judgment should not be issued against Patent Owner for abandonment of the contest pursuant to 37 C.F.R. § 42.73(b)(4).

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