

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FIDELITY INFORMATION SERVICES, LLC,
Petitioner,

v.

MIRROR IMAGING, LLC,
Patent Owner.

Case CBM2017-00064 (Patent 6,963,866 B2)
Case CBM2017-00065 (Patent 7,552,118 B2)
Case CBM2017-00066 (Patent 7,836,067 B2)
Case CBM2017-00067 (Patent 9,141,612 B2)¹

Before KARL D. EASTHOM, JUSTIN T. ARBES, and
RAMA G. ELLURU, *Administrative Patent Judges*.

EASTHOM, *Administrative Patent Judge*.

ORDER
Additional Briefing
Hearing
37 C.F.R. §§ 42.5, 42.20(d), 42.70

¹ This Order governs each case based on the common issues argued. The parties may, but need not, employ this joint heading and filing style for the additional briefing authorized under this Order.

CBM2017-00064 (Patent 6,963,866 B2)
CBM2017-00065 (Patent 7,552,118 B2)
CBM2017-00066 (Patent 7,836,067 B2)
CBM2017-00067 (Patent 9,141,612 B2)

The panel held a teleconference with the parties on January 9, 2019, to discuss the impact of the 2019 Revised Patent Subject Matter Eligibility Guidance, 84 Fed. Reg. 50 (Jan. 7, 2019) (the “Guidance”), available at <https://www.federalregister.gov/documents/2019/01/07/2018-28282/2019-revised-patent-subject-matter-eligibility-guidance>, on the instant proceedings, including any need for further briefing and/or a need to move the hearing date, currently scheduled for January 15, 2019 at 1:00 PM Eastern Time at the U.S. Patent & Trademark Office in Alexandria, Virginia. *See* Paper 54.²

The parties conferred in advance of the teleconference on this issue, and agreed that the hearing date should not be moved. Petitioner stated that it did not believe additional briefing was necessary. Patent Owner suggested the parties each file a brief addressing the impact of the Guidance on the instant proceedings, not to exceed 5 pages, due a day or two in advance of the Hearing to allow the parties to argue on that briefing during the Hearing. The panel agreed to this procedure, and ordered the briefing to be submitted on or before noon Eastern Time, January 14, 2019. Subsequent to the teleconference, the parties inquired by email whether the briefing is limited to one paper to be filed in each of the four proceedings identified above or whether separate briefing was authorized in each proceeding. Each party may choose to submit the same paper in each proceeding or file separate papers in each of the proceedings.

² Citations refer to exemplary Case CBM2017-00064.

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In addition, the parties each shall be granted an extra 15 minutes of argument time to address any issues that may be raised by the additional briefing. *See id.* (specifying argument times). However, the parties' presentations are limited to argument and evidence raised in papers submitted in these proceedings. The panel appreciates the parties' input and cooperation in this matter.

It is so ORDERED.

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