

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INDEED, INC., MONSTER WORLDWIDE INC., and
THELADDERS.COM, INC.,
Petitioner,

v.

CAREER DESTINATION DEVELOPMENT, LLC,
Patent Owner.

Cases CBM2014-00069 (Patent 8,374,901 B2)
CBM2014-00070 (Patent 8,374,901 B2)

Before SALLY C. MEDLEY, MEREDITH C. PETRAVICK, and
JUSTIN BUSCH, *Administrative Patent Judges*.

BUSCH, *Administrative Patent Judge*.

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

CBM2014-00069 (Patent 8,374,901 B2)
CBM2014-00070 (Patent 8,374,901 B2)

On September 23, 2014, the initial conference call¹ was held between counsel for the respective parties and Judges Medley, Petravick, and Busch.

Motions

Petitioner seeks authorization to file a motion to include a review of dependent claims 2–11 of U.S. Patent 8,374,901 (“the ’901 Patent”) under 35 U.S.C. § 112, first paragraph in CBM2014-00070 (the “Proposed Motion”). Petitioner explained that it accidentally neglected to include a challenge to dependent claims 2–11 of the ’901 Patent. Petitioner did not provide any authority supporting its position that it should be allowed to add challenges to claims to the covered business method patent review on a basis not presented in the petition from which the review was instituted. The law requires that a petition must “identif[y], in writing and with particularity, each claim challenged, the grounds on which the challenge to each claim is based.” 35 U.S.C. § 322(a)(3); *see also* 37 C.F.R. 42.204 (stating that a petition must “[p]rovide a statement of the precise relief requested for each claim challenged,” identifying the claim and the statutory grounds on which the challenge is based). Petitioner did not present a sufficient factual basis to authorize the filing of the motion. As discussed, Petitioner may file a covered business method patent review petition challenging claims 2–11 of the ’901 Patent under 35 U.S.C. § 112, first paragraph. Therefore, we deny Petitioner’s request to file the Proposed Motion.

¹ The initial conference call is held to discuss the Scheduling Order and any motions that the parties anticipate filing during the trial. Office Patent Trial

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Patent Owner indicated that it may file a motion to amend and acknowledged that it must arrange a conference call with the Board and opposing counsel to discuss any motion to amend prior to filing that motion. *See* 37 C.F.R. § 42.121(a). Patent Owner was reminded that it should arrange a conference call at least a week in advance of the date it wishes to file a motion to amend. The parties were reminded that if they seek authorization to file a motion not contemplated per the Scheduling Order, the party requesting such authorization must arrange a conference call with opposing counsel and the Board.

Schedule

Counsel for the respective parties indicated that they have no issues with the Scheduling Orders entered August 20, 2014. To the extent issues arise with DATES 1–5 identified in the Scheduling Orders, the parties are reminded that, without obtaining prior authorization from the Board, they may stipulate to different dates for DATES 1–5, as provided in the Scheduling Orders, by filing an appropriate notice with the Board. The parties may not stipulate to any other changes to the Scheduling Orders.

Settlement

The parties have nothing to report with respect to settlement.

Order

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It is

ORDERED that Petitioner's request for authorization to file a "Motion to Formally Incorporate Dependent Claims 2-11 Into Case CBM2014-00070 As Being Encompassed By The Board's Review of Claim 1 Under 35 U.S.C. § 112" is denied.

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