

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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MICROSOFT CORPORATION,  
Petitioner,

v.

GLOBAL TECHNOLOGIES, INC.,<sup>1</sup>  
Patent Owner.

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Case IPR2016-00663 (Patent 7,215,752 B2)  
Case IPR2016-00669 (Patent 7,844,041 B2)<sup>2</sup>

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Before KALYAN K. DESHPANDE, DAVID C. McKONE, and  
JOHN A. HUDALLA, *Administrative Patent Judges*.

HUDALLA, *Administrative Patent Judge*.

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

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<sup>1</sup> We name Global Technologies, Inc., as Patent Owner based on the reasoning presented herein.

<sup>2</sup> This Order pertains to both of these cases. We exercise our discretion to issue a single Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

In these two proceedings, Microsoft Corporation (“Petitioner”) filed Petitions for *Inter Partes* Review in which it named Global Technologies, Inc. (“GTI”) as Patent Owner based on “the Patent Office’s records.” Paper 2<sup>3</sup> (“Pet.”), 1. By “records,” Petitioner appears to have been referring to an assignment (“the 1995 assignment”) in which the named inventors assigned their rights in the challenged patents to GTI. *See* Reel 33805, Frame 65; Reel 33805, Frame 259. Accordingly, Petitioner served the Petitions on GTI’s correspondence address of record (*see* 37 C.F.R. § 42.105(a)) and on Keith A. Raniere (“Mr. Raniere”), the plaintiff in the underlying district court litigation involving the challenged patents from these proceedings. Pet. 1; Paper 19, 6–7. After the Petitions were filed, Mr. Raniere recorded an earlier-executed assignment from December 26, 2014 (“the 2014 assignment”) that purported to transfer ownership from GTI to Mr. Raniere. *See* Reel 38012, Frame 898; Reel 38013, Frame 90. In our Decisions on Institution, we instituted trials in these proceedings and accepted the 2014 assignment to Mr. Raniere as prima facie evidence of Mr. Raniere’s ownership of the patents. *See* Paper 7, 2 n.1.

The underlying district court litigation is *Raniere v. Microsoft Corp.*, No. 3:15-cv-00540-M (N.D. Tex., filed Feb. 16, 2015). *See* Pet. 1; Paper 5, 2. The issue of patent ownership, as it related to standing to bring suit, was a main focus of the district court case. On February 11, 2016, the defendants brought a motion to dismiss for lack of standing. *See* Defs.’ Mot. to Dismiss for Lack of Standing, *Raniere v. Microsoft Corp.*, No. 3:15-CV-0540-M

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<sup>3</sup> Because the citations relevant to this Decision are nearly identical in each proceeding, we only will refer to those filed in Case IPR2016-00663 for convenience.

(N.D. Tex. Feb. 11, 2016) (ECF No. 131). The court held a hearing on the motion on March 1, 2016, where it considered several exhibits and heard testimony from Mr. Raniere. Petitioner filed a transcript of the district court hearing as Exhibit 1019. The district court granted the motion to dismiss on the same day. *See* Order of Dismissal With Prejudice, *Raniere v. Microsoft Corp.*, No. 3:15-CV-0540-M (N.D. Tex. Mar. 1, 2016) (ECF No. 147). The dismissal order stated: “For the reasons stated on the record at the conclusion of the hearing, the Court GRANTS Defendants’ Motion and DISMISSES WITH PREJUDICE all of Plaintiff’s claims and causes of action.” *Id.*

GTI was a corporation of the State of Washington that was incorporated on February 10, 1995. Ex. 3001<sup>4</sup>, 6. The Articles of Incorporation for GTI list Toni Natalie, Thomas Delaney, and Steve Danzig as directors; Toni Natalie as incorporator; and Alan L. Rubens as registered agent. *See id.* at 7–11. The initial annual report for GTI listed Toni Natalie as President, Secretary, and Chairman of the Board of Directors; Thomas Danzig as Vice President and Director; and Steve Danzig as Treasurer and Director. *Id.* at 4. The district court established that Toni Natalie initially owned 75% of GTI, whereas Thomas Delaney and Steve Danzig each initially owned 12.5% of GTI. *See* Ex. 1019, 129:20–24.

GTI was administratively dissolved on May 20, 1996. *Id.* at 5; *see also* Ex. 1019, 128:20–23. According to Washington law, “[a] dissolved

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<sup>4</sup> Exhibit 3001 contains excerpts from an exhibit filed by Mr. Raniere along with his Opposition to Defendants’ Motion to Dismiss. *See* Pl.’s Opp. to Defs.’ Mot. to Dismiss for Lack of Standing, Ex. 13, *Raniere v. Microsoft Corp.*, No. 3:15-CV-0540-M (N.D. Tex. Feb. 18, 2016) (ECF No. 137-13).

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corporation continues its corporate existence but may not carry on any business except that appropriate to wind up and liquidate its business and affairs.” Wash. Rev. Code § 23B.14.050(1). Despite its dissolved status, GTI continued to prosecute patents under the direction and alleged authority of Mr. Raniere.<sup>5</sup> See Paper 16, 1–2 (citing, *inter alia*, Exs. 2016–2018).

Prior to instituting the underlying lawsuit, and on the same day Mr. Raniere signed the 2014 assignment, Mr. Raniere executed two documents purporting to give himself authority to execute the 2014 assignment. The first of these documents is a “Unanimous Consent Resolution of the Sole Shareholder of Global Technologies, Inc.” See Ex. 3001, 1 (hereinafter “Shareholder Consent Resolution”). In that document, Mr. Raniere declared that “at all times prior to dissolution, upon dissolution, and at all times subsequent to dissolution I was the sole shareholder of all stock in [GTI].” *Id.* Mr. Raniere also purported to elect himself as the sole director of GTI. *Id.* In his testimony before the district court, Mr. Raniere admitted that representations in the Shareholder Consent Resolution were false. Ex. 1019, 78:6–15, 85:1–19. The second document is entitled “Unanimous Consent Resolution of the Sole Director of Global Technologies, Inc.” See Ex. 3001, 2 (“hereinafter “Director Consent Resolution”). In that document, Mr. Raniere purported to elect himself as President of GTI “in order to facilitate the winding down of the affairs of

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<sup>5</sup> We question whether Mr. Raniere’s actions in prosecuting additional patents and attempting to enforce them constitute appropriate business for a dissolved corporation “to wind up and liquidate its business and affairs” in accordance with Washington law. See Wash. Rev. Code § 23B.14.050(1).

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[GTI].” *Id.* Mr. Raniere also purported to authorize himself to assign the challenged patents from GTI to himself. *Id.*

Mr. Raniere then “executed the 2014 assignment in his alleged capacity as president and sole shareholder of GTI.” Ex. 1019, 129:4–5; *see* Ex. 3001, 3 (copy of 2014 assignment). As noted by the district court, however, the “effectiveness of this assignment depends on the validity of two other documents executed by Mr. Raniere contemporaneously with the 2014 assignment.” Ex. 1019, 129:6–8. As to the Shareholder Consent Resolution, the district court found that Mr. Raniere was not the sole shareholder of GTI, so he did not establish he had the authority to elect himself sole director. *Id.* at 129:15–19. Furthermore, the court found that “[t]here is no written document evidencing any transfer from any of the original owners of GTI to Mr. Raniere. There’s no credible evidence that Mr. Raniere had an interest in GTI that would allow him to transfer the patents to himself.” *Id.* at 132:5–9. Regarding the 2014 assignment, the district court found that “[Mr.] Raniere has produced an . . . assignment to himself dated December 26, 2014, purporting to assign the [challenged patents] from GTI to him[self], but the Court finds that this assignment is not effective to transfer ownership of the patents to Mr. Raniere.” Ex. 1019, 128:24–129:1. In the process, the court found that Raniere’s testimony was “wholly incredible” and “untruthful.” *Id.* at 131:15–17. The court also found that, “[d]espite . . . repeated opportunities, Mr. Raniere has failed to establish that he owns the [challenged patents].” *Id.* at 128:17–19.

The district court’s dismissal with prejudice was affirmed by the Court of Appeals for the Federal Circuit under Federal Circuit Rule 36 on January 18, 2017. *See Raniere v. Microsoft Corp.*, Nos. 2016-1698, 2016-

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1699, 2017 WL 192966, at \*1 (Fed. Cir. Jan. 18, 2017). On February 17, 2017, Mr. Raniere filed a request for rehearing *en banc*. See Ex. 3002 (Raniere’s Petition for Rehearing *En Banc*).

By our Order of February 2, 2017 (Paper 15), we sought briefing from Petitioner and Mr. Raniere regarding the impact on these proceedings of the Federal Circuit’s affirmance of the district court’s dismissal of the underlying district court case. See *Raniere*, 2017 WL 192966, at \*1. Our Order authorized two parallel rounds of briefing on this issue, and we stated that each party’s opening paper could take the form of a motion. Paper 15, 4. In the parties’ first round of briefs responsive to the Order, Petitioner filed a motion to expunge all documents filed by Mr. Raniere (Paper 17), and Mr. Raniere filed an opening brief maintaining that he is the owner of the challenged patents (Paper 18). In the second round, Petitioner filed a response to Mr. Raniere’s opening brief (Paper 19), and Mr. Raniere filed an opposition to Petitioner’s motion to expunge (Paper 20). We additionally ordered Mr. Raniere’s counsel, Schmeiser, Olsen & Watts LLP (“SOW”), to answer certain questions regarding the firm’s representation of Mr. Raniere, GTI, and others. Paper 15, 4–5. SOW filed a response to the questions. Paper 16.

A. *Mr. Raniere’s Status as Patent Owner*

Our disposition of Petitioner’s motion to expunge requires us to determine the greater issue of whether Mr. Raniere is properly before us as

Patent Owner.<sup>6</sup> As mentioned above, Mr. Raniere’s action here as Patent Owner is based on the 2014 assignment, which purported to transfer ownership from GTI to Mr. Raniere. Although we considered Mr. Raniere to be Patent Owner for purposes of our Decisions on Institution based on recordation of the 2014 assignment (*see* Paper 7, 2 n.1), the recording of this assignment was “not a determination by the Office of the validity of the document or the effect that document has on the title to . . . a patent.”

37 C.F.R. § 3.54. Indeed, “[w]hen necessary, the Office will determine what effect a document has, including whether a party has the authority to take an action in a matter pending before the Office.” *Id.* In light of the district court’s decision, and the Federal Circuit’s affirmance of that decision, we determine that Mr. Raniere has no authority to act as Patent Owner in these proceedings.

As stated above, the district court determined the 2014 assignment was not effective to transfer ownership of the challenged patents to Mr. Raniere. *See* Ex. 1019, 128:24–129:1. Therefore, we agree with Petitioner (*see* Paper 17, 3) that Mr. Raniere is precluded from asserting the 2014 assignment as evidence of ownership in this proceeding. “Under the doctrine of issue preclusion, also called collateral estoppel, a judgment on the merits in a first suit precludes relitigation in a second [proceeding] of

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<sup>6</sup> We do not agree with Mr. Raniere that Petitioner has waived objections to Mr. Raniere’s status as Patent Owner simply because the district court’s ruling predated these proceedings. *See* Paper 18, 2–3. Petitioner argued ownership of the patents in its Petition, and Petitioner served both Mr. Raniere and GTI’s correspondence address of record, namely, the offices of SOW. Pet. 1; Paper 19, 6–7; *see* 37 C.F.R. § 42.105(a). As such, we agree with Petitioner that it “has done everything it was obligated to do” to preserve this argument. Paper 19, 7.

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issues actually litigated and determined in the first suit.” *In re Freeman*, 30 F.3d 1459, 1465 (Fed. Cir. 1994) (citing *Lawlor v. National Screen Serv. Corp.*, 349 U.S. 322, 326 (1955)). The Federal Circuit has annunciated four preconditions for the application of issue preclusion:

- (1) identity of the issues in a prior proceeding;
- (2) the issues were actually litigated;
- (3) the determination of the issues was necessary to the resulting judgment; and
- (4) the party defending against preclusion had a full and fair opportunity to litigate the issues.

*Levi Strauss & Co. v. Abercrombie & Fitch Trading Co.*, 719 F.3d 1367, 1371 (Fed. Cir. 2013).

Regarding the first factor, Mr. Raniere’s claim of ownership of the patents and corresponding entitlement to participate in these proceedings is premised on the validity of the 2014 assignment. The district court’s determination that the 2014 assignment was ineffective to establish Mr. Raniere’s ownership in the challenged patents (*see* Ex. 1019, 128:24–129:1) is identical to the issue here: whether the 2014 assignment is effective to give Mr. Raniere authority to proceed as Patent Owner. Mr. Raniere argues “[a] judicial decision that Mr. Raniere did not prove his standing is not a determination that Mr. Raniere definitively does not own the patents at issue.” Paper 20, 3. Nevertheless, the issue here is whether we should give effect to the 2014 assignment. Because the 2014 assignment is the document on which Mr. Raniere’s participation here as Patent Owner is premised, and because the district court has already determined the 2014 assignment was ineffective to establish Mr. Raniere’s ownership of the



challenged patents, we find identity between the issue here and the issue already decided by the district court.

Second, the district court “examin[ed] . . . [the] facts to determine if Mr. Raniere owns the interest he claim[ed]” because “[t]he Court [wa]s obligated to make that determination to determine whether Mr. Raniere ha[d] standing.” Ex. 1019, 133:4–7. As such, the parties actually litigated the ownership issue, including the validity of the 2014 assignment, before the district court. The United States Court of Appeals for the Federal Circuit affirmed the district court’s determination.

Third, the ownership determination was necessary to the resulting judgment that Mr. Raniere did not have standing, as acknowledged by the district court. *See id.* at 128:9–11 (“To establish his standing to bring the suit for patent infringement, the plaintiff, Mr. Raniere, must demonstrate that he owns the [challenged patents].”).

Finally, Mr. Raniere had a “full and fair opportunity to litigate the issues,” including his ownership of the patents and the validity of the 2014 assignment. At the outset, we note that the completeness of the district court’s record and findings is not in dispute. In fact, the court noted that it “ha[d] given Mr. Raniere multiple opportunities to establish his ownership interest in the [challenged] patents,” but, “[d]espite these repeated opportunities, Mr. Raniere ha[d] failed to establish that he owns the patents[.]” *Id.* at 128:12–19; *see also id.* at 122:16–18 (“The Court identified the standing issue as problematic at the Rule 16 conference and gave Mr. Raniere multiple opportunities to address the Court’s concerns.”). The court even heard testimony from Mr. Raniere over Petitioner’s

objection. *Id.* at 132:10–11. This underscores that Mr. Raniere had a fair opportunity to present his case.

Regarding the issue of whether Mr. Raniere had a “full” opportunity to litigate, Mr. Raniere argues the issue of ownership “remains unsettled due to Mr. Raniere’s intention to file a request for rehearing *en banc*.” Paper 18, 1–2. According to Mr. Raniere, “the Federal Circuit may still hold that Mr. Raniere had standing to bring the underlying case.” Paper 20, 4. Thus, Mr. Raniere urges us to determine that he has not had a full opportunity to litigate the issue of ownership based on the pendency of his petition for rehearing *en banc*. Yet our reviewing court has determined “the vast weight of case law supports” the application of collateral estoppel during the pendency of an appeal in the prior proceeding. *See Pharmacia & Upjohn Co. v. Mylan Pharm., Inc.*, 170 F.3d 1373, 1381 (Fed. Cir. 1999). The *Pharmacia* court explained that “[t]he law is well settled that the pendency of an appeal has no effect on the finality or binding effect of a trial court’s holding.” *Id.* (quoting *SSIH Equip. S.A. v. U.S. Int’l Trade Comm’n*, 718 F.2d 365, 370 (Fed. Cir. 1983)). As such, we determine that the pendency of Mr. Raniere’s petition for rehearing *en banc* does not undermine the notion that Mr. Raniere has had a full opportunity to litigate.

Furthermore, we observe that Mr. Raniere’s appeal has already been heard by a panel of the Federal Circuit, which affirmed the district court’s decision without opinion under Federal Circuit Rule 36. Thus, our decision to apply issue preclusion now is supported further by Mr. Raniere’s opportunity to be heard before and to obtain a decision from the Federal

Circuit.<sup>7</sup> Mr. Raniere has had a full opportunity to litigate the issue of patent ownership in both the district court and the appellate court, and, accordingly, we need not wait to apply issue preclusion until Mr. Raniere's petitions of last resort are exhausted.

For these reasons, and based on the findings and determinations made by the district court, we determine that Mr. Raniere is precluded from asserting his ownership of the challenged patent in these proceedings based on the 2014 assignment. Accordingly, we determine that Mr. Raniere does not have authority to act as Patent Owner in these proceedings. *See* 37 C.F.R. § 3.54. We will not accept any future filings from Mr. Raniere.

*B. GTI's Authorized Representatives*

Because the 2014 assignment is not valid, the 1995 assignment now constitutes prima facie evidence of a conveyance of the patents to GTI. *See* 35 U.S.C. § 261. As such, we recognize GTI as the Patent Owner.

We asked SOW to state whether it represents GTI (Paper 15, 4), and SOW responded that it does (Paper 16, 1). We also asked SOW to state the source of its authority to represent GTI with a particular focus on "sources of authority other than those arising from Mr. Raniere." Paper 15, 4. SOW contends it represents GTI based on a Power of Attorney executed in 1999 by Mr. Raniere, purportedly in his role as President of GTI. Paper 16, 1–2

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<sup>7</sup> Despite the pendency of Mr. Raniere's petition for rehearing *en banc*, the affirmance under Rule 36 by the Federal Circuit is a type of nonprecedential opinion that is unlikely to be overturned via such a petition. *See* Fed. Cir. R. 35 Practice Notes ("Nonprecedential Opinions") ("A petition for rehearing *en banc* is rarely appropriate if the appeal was the subject of a nonprecedential opinion by the panel of judges that heard it.").

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(citing Ex. 2016). SOW further cites a Power of Attorney executed in 2010 by Mr. Raniere during prosecution of the '041 patent. *Id.* at 2 (citing Ex. 2018). Notably, this 2010 Power of Attorney lists Mr. Raniere as “Founder” of GTI, not president. Ex. 2018. SOW also proffers a statement filed under 37 C.F.R. 3.73(b) bearing Mr. Raniere’s signature in his purported role as President.<sup>8</sup> Paper 16, Ex. 2017.

Based on these documents, SOW and Mr. Raniere contend “Mr. Raniere is authorized to act on behalf of GTI” and that “GTI and Mr. Raniere are represented by the same counsel [SOW] for the purposes of GTI’s interest in [the challenged patents].” Paper 18, 7. Mr. Raniere also contends that “[n]o officer or shareholder of GTI has confronted Mr. Raniere regarding his actions nor has anyone connected with GTI challenged his authority.” *Id.* at 6. Under this alleged authority, SOW and Mr. Raniere contend GTI would ask us to allow GTI to update the mandatory notices and treat Mr. Raniere’s prior submissions as coming from GTI. *Id.* at 2, 7; Paper 20, 6.

Having considered SOW’s proffered evidence, we have great concerns regarding Mr. Raniere’s purported appointment of SOW as GTI’s attorneys. In particular, SOW relies primarily on Powers of Attorney from the prosecution of the challenged patents that were executed by Mr. Raniere 3 and 14 years after GTI was dissolved. *See* Exs. 2016, 2018. Neither these documents, nor the other documents produced by SOW, give any indication that Mr. Raniere was authorized by an owner or director of whatever remained of GTI to sign powers of attorney on behalf of GTI.

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<sup>8</sup> SOW also puts forth other circumstantial evidence of Mr. Raniere being referenced as GTI’s President. *See* Exs. 2013–2015.

Moreover, it is not clear, on this record, how SOW has represented the interests of both Mr. Raniere and GTI in a manner fair to both, and can do so going forward. According to the USPTO Rules of Professional Conduct, “a practitioner shall not represent a client if the representation involves a concurrent conflict of interest.” 37 C.F.R. § 11.107(a). A conflict of interest exists if “[t]he representation of one client will be directly adverse to another client.” *Id.* at 11.107(a)(1). Similarly, “[a] practitioner who has formerly represented a client in a matter shall not thereafter represent another person in the same or a substantially related matter in which that person’s interests are materially adverse to the interests of the former client unless the former client gives informed consent, confirmed in writing.” 37 C.F.R. § 11.109. The State of New York, which appears to be the home jurisdiction of the SOW attorneys, has similar provisions in its Rules of Professional Conduct. *See* N.Y. Rules of Prof’l Conduct 1.7–1.9.

Mr. Raniere attempted, through false documents (i.e., the Shareholder Consent Resolution, the Director Consent Resolution, and the 2014 assignment), to secure patent ownership rights from GTI, perhaps the only remaining valuable assets of the dissolved corporation. These false documents were prepared by SOW. *See* Ex. 1019, 82:16–22. SOW then filed the 2014 assignment, on behalf of Mr. Raniere, purportedly divesting GTI of those ownership rights. *See* Reel 38012, Frame 898; Reel 38013, Frame 90 (both indicating that the assignment was submitted by an SOW attorney). The district court determined that the 2014 assignment was ineffective due, in part, to the falsity of the underlying documentation prepared by SOW, along with Mr. Raniere’s untruthful testimony. *See* Ex. 1019, 128:24–129:19, 131:15–19, 133:16–24. These facts suggest that

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GTI would have been materially worse off, to Mr. Raniere's benefit, if these documents had been given effect. As such, the record suggests that SOW has represented Mr. Raniere's interests—not those of GTI.

For these reasons, we require SOW to produce a new Power of Attorney, executed by an authorized representative of GTI, should SOW seek to participate in these proceedings as counsel for GTI. *See* 37 C.F.R. § 42.10(b). Although section 42.10(b) provides that a power of attorney is not necessary “if the designated counsel is already counsel of record in the subject patent or application,” the present circumstances call into question the effectiveness of the Powers of Attorney filed during the prosecution of the challenged patents. Thus, for purposes of these proceedings, we will not recognize any Power of Attorney arising from the prosecution of the challenged patents. *See* 37 C.F.R. § 42.5. In addition, given Mr. Raniere's history of delay and untruthfulness (*see* Ex. 1019, 131:15–18, 133:13–15), and given the potential conflict of interest with respect to SOW representing both Mr. Raniere and GTI, we will not accept any Power of Attorney signed only by Mr. Raniere. Any new Power of Attorney shall be filed within 10 days of the date of this Order.

*C. Service of Individuals and Entities Potentially Having an Interest in GTI*

Petitioner's request to expunge Mr. Raniere's filings is premised, in part, on Petitioner having served GTI properly at its correspondence address of record, which is SOW's address, pursuant to 37 C.F.R. § 42.105.

Paper 17, 1. Nevertheless, Petitioner takes the contradictory position that SOW is only counsel of record by virtue of Powers of Attorney signed by Mr. Raniere, who Petitioner contends had no authority to appoint SOW.

Paper 19, 5–6. Thus, Petitioner asks us to strike all adverse argument and evidence from the record while, at the same time, acknowledging that the true patent owner might not have received notice of these proceedings. Before considering such drastic relief, we instruct Petitioner to make a more thorough attempt to notify the patent owner.

Although Mr. Ranieri states that “[n]o officer or shareholder of GTI has confronted Mr. Ranieri regarding his actions nor has anyone connected with GTI challenged his authority” (Paper 18, 6), we are concerned that certain other individuals or entities with ownership rights may not have been made aware of these proceedings and/or are not represented by SOW. For example, SOW’s answers to our questions indicate that, at least, SOW is not representing the interests of the only people reflected in the record as having had an ownership interest in GTI, namely, Ms. Natalie and Messrs. Delaney and Danzig.<sup>9</sup> SOW’s answers also indicate that at least one other individual, Saul Miodownik, might have an interest. *See* Paper 16, 3. SOW does not state that it represents Mr. Miodownik. We additionally observe that GTI’s prior counsel before the U.S. Patent and Trademark Office was the law firm of Hamilton, Brook, Smith & Reynolds, P.C. *See* Paper 16, 1–3; Exs. 2010–

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<sup>9</sup> We asked SOW to state whether or not SOW represents Ms. Natalie and Messrs. Delaney and Danzig. Paper 15, 4–5. SOW indicates that it does not represent Ms. Natalie. Paper 16, 2. SOW did not directly answer our question about representing Messrs. Delaney and Danzig; instead, SOW pointed to a combined declaration and power of attorney purportedly signed by these gentlemen in 2001. *Id.* at 2–3 (citing Ex. 2020). In the absence of a positive statement of representation, we interpret SOW’s response to mean that SOW does not represent Mr. Delaney or Mr. Danzig personally. Thus, based on SOW’s responses, we determine SOW does not represent any of the initial owners of GTI.

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2015. The Hamilton firm is still the correspondence address of record for at least one related GTI patent (e.g., U.S. Patent No. 5,844,979). Finally, GTI's Articles of Incorporation indicate that Alan L. Rubens was GTI's original Registered Agent. Ex. 3001, 11.

We now require Petitioner to serve copies of the Petition documents in these proceedings (as defined by 35 U.S.C. § 312(a)(5)) and this Order on Ms. Natalie, Messrs. Delaney, Danzig, Miodownik, and Rubens, and Hamilton, Brook, Smith & Reynolds, P.C., within 7 days of this Order. Petitioner shall file within 10 days of this Order a single notice in each case indicating whether service was effected on each individual or entity. To the extent these individuals and/or clients of Mr. Rubens or Hamilton, Brook, Smith & Reynolds, P.C., contend that they have an ownership interest in the challenged patents, they shall make an appearance in these proceedings within 10 days of service or else they may be subject to an adverse judgment for abandonment of the contest under 37 C.F.R. § 42.73(b)(4).

For the reasons stated above, we will not accept any testimony or documentary evidence from Mr. Raniere that purports to establish ownership of GTI. Thus, we will not recognize any attempt by Mr. Raniere to appear in these proceedings as an owner of GTI.

We hold in abeyance Petitioner's pending motion to expunge pending the actions described in this Order.



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For the reasons given, it is:

ORDERED that, should SOW seek to participate in these proceedings as GTI's counsel, then SOW must produce a new Power of Attorney signed by an authorized representative of GTI within 10 days of the entry of this Order;

FURTHER ORDERED that any new Power of Attorney will not be accepted if it is signed only by Keith A. Raniere;

FURTHER ORDERED that, within 7 days of the entry of this Order, Petitioner shall serve copies of the documents specified in 35 U.S.C. § 312(a)(5) from these proceedings and this Order on Toni Natalie, Thomas Delaney, Steve Danzig, Saul Miodownik, Alan Rubens, and Hamilton, Brook, Smith & Reynolds, P.C.;

FURTHER ORDERED that Petitioner shall file within 10 days of the entry of this Order a single notice indicating whether service was effected on Toni Natalie, Thomas Delaney, Steve Danzig, Saul Miodownik, Alan Rubens, and Hamilton, Brook, Smith & Reynolds, P.C.;

FURTHER ORDERED that, should they contend they have an ownership interest in the challenged patents, Toni Natalie, Thomas Delaney, Steve Danzig, Saul Miodownik, and/or clients of Alan Rubens or Hamilton, Brook, Smith & Reynolds, P.C., shall appear in these proceedings within 10 days of service;

FURTHER ORDERED that no testimony or documentary evidence from Keith A. Raniere purporting to establish ownership of GTI shall be submitted; and

FURTHER ORDERED that Petitioner's motion to expunge is *held in abeyance*.

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