

UNITED STATES PATENT AND TRADEMARK OFFICE  
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BEFORE THE PATENT TRIAL AND APPEAL BOARD  
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ATLANTA GAS LIGHT COMPANY,  
Petitioner,

v.

BENNETT REGULATOR GUARDS, INC.,  
Patent Owner.

\_\_\_\_\_  
Case IPR2015-00826  
Patent US 5,810,029  
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Before JENNIFER S. BISK, MIRIAM L. QUINN, and  
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

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

The Federal Circuit previously remanded this proceeding “for the Board to quantify any sanctions and dismiss this IPR” as time-barred. *Bennett Regulator Guards, Inc. v. Atlanta Gas Light Co.*, 905 F.3d 1311, 1316 (Fed. Cir. 2018). Subsequently, the Supreme Court vacated the

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Federal Circuit's judgment and remanded to the Federal Circuit for further consideration in light of *Thryv, Inc. v. Click-to-Call Technologies, LP*, 140 S. Ct. 1367 (2020). 2020 WL 1978924.

On June 2, 2020, a conference call was held with the parties. Patent Owner asks that we dismiss the proceeding in accordance with the Federal Circuit's remand order. Petitioner contends that we lack jurisdiction to do so in light of the Supreme Court's grant, vacate, and remand order. After consideration, regardless whether we technically have jurisdiction, we conclude that it would be imprudent to act in advance of the Federal Circuit addressing the Supreme Court's order.

Accordingly, it is

ORDERED that Patent Owner's request is *denied*.

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PETITIONER:

Holmes J. Hawkins III  
Russell E. Blythe  
KING & SPALDING LLP  
hhawkins@kslaw.com  
rblythe@kslaw.com

PATENT OWNER:

Wayne Porter, Jr.  
LAW OFFICES OF WAYNE D. PORTER, JR.  
porter@porterpatentlaw.com