

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JON R. RASMUSSEN and BRANDON J. FAIR
Petitioner Application 17/846,932,
Petitioner,

v.

NICHOLAS KLEINSCHMIT and AARON HOLMBERG,
Respondent Application 17/522,731,
Respondent.

Case DER2023-00012

Before JAMESON LEE, RAE LYNN GUEST, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

ORDER
Conduct of Proceeding
37 C.F.R. § 42.5(a)

I. INTRODUCTION

On July 5, 2025, Petitioner filed a paper titled “Response to the Boards’ Order Dated June 24, 2025.” Paper 23. In actuality, it is a motion seeking a limited remand to the Examiner to determine, raise, and record ownership of the parties’ involved applications. The Paper states: “Petitioners Jon R. Rasmussen and Brandon J. Fair (the ‘Petitioners’) hereby move for a remand of both parties’ Applications to the respective Examiners for the purpose of pursuing and recording actions concerning ownership of those Applications.” *Id.* at 2. Hereinafter, we refer to the paper as “the Motion for Remand.”

II. DISCUSSION

Although the Motion for Remand was not authorized by the Board prior to its filing, we hereby authorize filing of the motion, *nunc pro tunc*, because it was our intent to authorize filing of the motion if Petitioner had simply responded appropriately to our order dated June 24, 2025 (Paper 22), e.g., by indicating that it desired to file such a motion. The Motion for Remand does not express a time duration of the remand sought. The motion as we authorize here is for a remand period of *three months*, potentially extendable upon further approval by the Board on motion by either party.

III. ORDER

It is

ORDERED that Respondent is authorized to file an opposition to the Motion for Remand, limited to five pages, within one week of the date of entry of this order, and that Petitioner is authorized to file a reply, limited to three pages, within one week of the filing of Respondent’s opposition; and

FURTHER ORDERED that any opposition by Respondent should clearly distinguish between (1) opposing a remand to the Examiner for Petitioner to raise and resolve application ownership issues as a procedural matter, (2) disagreeing with the merits of Petitioner's assertion that it owns Respondent's involved application, an issue we do not intend to resolve in this proceeding, and (3) any other basis for opposing the remand.¹

¹ The opposition should focus on (1) and/or (3) and not (2).

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