

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 P. GUEST, and
CHARLES J. BOUDREAU, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

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

I. Introduction

On July 5, 2025, Petitioner filed a paper titled “Response to Board 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.”

In an order issued on July 9, 2025, we set a one-week period for Respondent to file an opposition to the Motion for Remand, commencing on the date of entry of the order. Paper 24.

II. Discussion

Respondent has not filed an opposition to the Motion for Remand. In this circumstance, a limited remand is appropriate because Petitioner believes the North Dakota state court judgment (Exhibit 1031), which is final and non-appealed, places ownership of Respondent’s involved application in Petitioner’s inventors, and we do not adjudicate or resolve in this proceeding the issue of ownership.¹

III. Order

It is

ORDERED that Petitioner’s Motion for Remand is granted, and the period of remand is six months, potentially extendable upon motion by either party;

¹ Respondent has indicated that it does not agree with Petitioner’s reading of the North Dakota state court judgment.

Case DER2023-00012
Petitioner Application 17/846,932
Respondent Application 17/522,731

FURTHER ORDERED that both parties shall file a status report every three months of all actions taken in Respondent's involved application and Petitioner's involved application; and

FURTHER ORDERED that the remand is only for determining, raising, and recording ownership, and neither party shall make any amendments to the claims or to the specification during the remand period.

Case DER2023-00012
Petitioner Application 17/846,932
Respondent Application 17/522,731

For Petitioner:

Peter L. Brewer
Bernard Klosowski
Alexander J. Gambino
Thrive IP
pbrewer@thrive-ip.com
ben@thrive-ip.com

For Respondent:

Scot M. Ringenberg
Nicholas Grennan
Suiter Swantz IP
smr@suiter.com
patents@suiter.com