

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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OTICON MEDICAL AB; OTICON MEDICAL LLC;  
WILLIAM DEMANT HOLDING A/S,  
Petitioner,

v.

COCHLEAR BONE ANCHORED SOLUTIONS AB,  
Patent Owner.

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Case IPR2017-01018  
Case IPR2017-01019  
Patent 7,043,040 B2

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Before JAMES B. ARPIN, BARBARA A. PARVIS,  
and AMANDA F. WIEKER, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

ORDER  
Consolidation of Proceedings  
37 C.F.R. § 42.122(a)

## INTRODUCTION

In separate decisions, issued simultaneously, we instituted *inter partes* reviews in Case IPR2017-01018 and Case IPR2017-01019. *See Oticon Med. AB et al. v. Cochlear Bone Anchored Solutions AB*, Case IPR2017-01018, slip op. at 27 (PTAB Sept. 5, 2017) (Paper 7); *Oticon Med. AB et al. v. Cochlear Bone Anchored Solutions AB*, Case IPR2017-01019, slip op. at 20 (PTAB Sept. 5, 2017) (Paper 7). The two proceedings involve the same parties and the same patent, as well as some overlapping challenged claims and prior art.

In order to secure just, speedy, and inexpensive resolutions of both proceedings and to administer the proceedings efficiently, we exercise our authority and consolidate the trial in IPR2017-01019 with the trial in IPR2017-01018. *See* 37 C.F.R. §§ 42.1(b), 42.122(a).

IPR2017-01019, as a separate proceeding, is no longer necessary, and is terminated. *See* 37 C.F.R. § 42.72. Unless otherwise ordered, any further papers and exhibits shall be filed only in IPR2017-01018. Consequently, Patent Owner may file only one Patent Owner Response and/or Motion to Amend, Petitioner may file only one Reply and Opposition to Motion to Amend, and Patent Owner may file only one Reply to Petitioner's Opposition to Motion to Amend, as appropriate. Page and word count limitations, as set forth in our Rules, shall apply to any such papers.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the trial of IPR2017-01019 is consolidated with the trial of IPR2017-01018, and a copy of this Order is filed in both cases;

FURTHER ORDERED that the grounds of unpatentability on which the consolidated trial shall proceed are as follows:

- (1) Claims 1 and 11 under 35 U.S.C. § 102(b) as anticipated by Hough;
- (2) Claim 12 under 35 U.S.C. § 103(a) as unpatentable over Hough and Leysieffer;
- (3) Claims 1–5 and 13 under 35 U.S.C. § 103(a) as unpatentable over Vaneecloo and Carlsson; and
- (4) Claim 6 under 35 U.S.C. § 103(a) as unpatentable over Vaneecloo, Carlsson, and Leysieffer.

FURTHER ORDERED that IPR2017-01019 is terminated;

FURTHER ORDERED that, unless otherwise ordered, each Party shall file any exhibits previously filed only in IPR2017-01019 in IPR2017-01018 within ten (10) business days of the entry of this Order;

FURTHER ORDERED that each Party shall file an exhibit list in IPR2017-01018 identifying (1) the exhibits previously filed in IPR2017-01018 and (2) the exhibits previously filed only in IPR2017-01019, but newly filed IPR2017-01018, within ten (10) business days of the entry of this Order; and

FURTHER ORDERED that the case caption in IPR2017-01018 shall be changed to reflect the consolidation of IPR2017-01019 with IPR2017-

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01018, in accordance with the attached example.

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<sup>1</sup> Case IPR2017-01019 has been consolidated with the instant proceeding.