

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ORTHOCISION, INC.,
Petitioner,

v.

PAIN TEQ, LLC,
Patent Owner.

IPR2023-00625
Patent 11,020,129 B2

Before MICHAEL L. WOODS, RYAN H. FLAX, and
MICHAEL A. VALEK, *Administrative Patent Judges*.

FLAX, *Administrative Patent Judge*.

FIRST MODIFIED SCHEDULING ORDER
37 C.F.R. § 42.5(c)

Further to the original Scheduling Order entered on September 20, 2023 (Paper 11), this Order sets modified due dates for the parties to act after institution of the proceeding.

The parties have stipulated to certain schedule modifications (to Due Dates 1, 2, and 3) that, although technically within the rules and dictates of our original Scheduling Order, result in conflicts with the other due dates of the schedule that cannot be changed by stipulation. *See* Papers 15, 17, and 21. Our further modifications to the schedule here, building largely off of the parties' stipulated modification to Due Date 1, seek to provide for a logical sequence and spacing of due dates and set a final hearing date, if requested, to allow sufficient time to prepare a final decision. Modified due dates are shown underlined in the following Appendix, with the parties' stipulated changes shown in double underlining and the Panel's changes shown in single underlining. No other changes to the original Scheduling Order are ordered.

If the parties require any other changes to the schedule, they should contact the Board and request a conference call, after meeting and conferring.

It is hereby

ORDERED that the schedule of the proceeding is modified as shown in the Appendix to this Order; and

FURTHER that no further stipulations of schedule modifications by the parties shall be allowed in this proceeding.

DUE DATE APPENDIX

DUE DATE 1	<u>December 22, 2023</u>
Patent Owner's response to the petition	
Patent Owner's motion to amend the patent	
DUE DATE 2	<u>March 29, 2024</u>
Petitioner's reply to Patent Owner's response to petition	
Petitioner's opposition to motion to amend	
DUE DATE 3	<u>May 10, 2024</u>
Patent Owner's sur-reply to reply	
Patent Owner's reply to opposition to motion to amend (or Patent Owner's revised motion to amend) ¹	
DUE DATE 4	<u>May 17, 2024</u>
Request for oral argument (may not be extended by stipulation)	
DUE DATE 5	<u>June 7, 2024</u>
Petitioner's sur-reply to reply to opposition to motion to amend	
Motion to exclude evidence	
DUE DATE 6	<u>June 14, 2024</u>
Opposition to motion to exclude	
Request for prehearing conference	
DUE DATE 7	<u>June 21, 2024</u>
Reply to opposition to motion to exclude	
DUE DATE 8	<u>July 1, 2024</u>
Oral argument (if requested)	

¹ If Patent Owner files neither a reply to Petitioner's opposition to the MTA nor a revised MTA, the parties are directed to Section III(C) above.

IPR2023-00625
Patent 11,020,129 B2

For PETITIONER:

William K. Nelson
Mark D. Miller
SIERRA IP LAW, PC
wnelson@sierraiplaw.com
mmiller@sierraiplaw.com
ipmail@sierraiplaw.com

For PATENT OWNER:

Stephen E. Kelley
Adnriy Lytvyn
Thomas J. Banks
HILL WARD HENDERSON, P.A.
Stephen.Kelly@hwhlaw.com
Andriy.Lytvyn@hwhlaw.com
Thomas.Banks@hwhlaw.com