

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VISA, INC.,
Petitioner,

v.

CORTEX MCP, INC.,
Patent Owner.

IPR2024-00486
IPR2024-00487¹
Patent 9,251,531 B2

Before SHEILA F. McSHANE, KARA L. SZPONDOWSKI, and
RUSSELL E. CASS, *Administrative Patent Judges*.

McSHANE, *Administrative Patent Judge*.

ORDER
Consolidation of Proceedings
Termination of IPR2024-00487
37 C.F.R. §§ 42.72, 42.122(a)

¹ This Order applies to both of the identified proceedings and terminates the proceeding in IPR2024-00487. The caption for future filings should be directed only to the surviving proceeding IPR2024-00486.

IPR2024-00486
IPR2024-00487
Patent 9,251,531 B2

In separate decisions, we instituted *inter partes* review in the above-captioned proceedings. *See* IPR2024-00486, Paper 8; IPR2024-00487, Paper 8. The two proceedings involve the same parties, the same patent, the same prior art, and essentially the same issues, although the two petitions challenge different claims of U.S. Patent No. 9,251,531 B2.

To secure just, speedy, and inexpensive resolutions of both *inter partes* reviews and to administer the proceedings more efficiently, we exercise our authority to consolidate the two proceedings. *See* 35 U.S.C. § 315(d); 37 C.F.R. §§ 42.1(b), 42.122(a).

In light of this consolidation, the IPR2024-00487 proceeding is no longer necessary as a separate *inter partes* review, and will therefore be terminated administratively. *See* 37 C.F.R. § 42.72 (“The Board may terminate a trial without rendering a final decision, where appropriate, including where the trial is consolidated with another proceeding.”). Any further papers or exhibits shall be filed only in IPR2024-00486, but papers or exhibits that were previously filed in IPR2024-00487 may be referred to in papers filed in the IPR2024-00486 proceeding. Petitioner and Patent Owner each may file only one paper for each of the parties’ respective deadlines set forth in the Scheduling Order (filed concurrently in IPR2024-00486).

The substantive issues that the parties have raised and contested on the preliminary record are essentially the same in IPR2024-00486 and IPR2024-00487. Thus, the Board does not anticipate that the word limits for the Patent Owner Response, Petitioner’s Reply, or Patent Owner’s Sur-Reply will need to be modified. *See* 37 C.F.R. § 42.24 (specifying the

IPR2024-00486
IPR2024-00487
Patent 9,251,531 B2

normal word limits). However, if either party believes there is good cause to modify these word limits, they must meet and confer and, by August 20, 2024, either (1) submit a joint proposal requesting that the word limits be modified, or (2) contact the Board via email to indicate that the parties have met and conferred but have been unable to reach an agreement. Absent either of the above actions by the deadline, the specified word limits in 37 C.F.R. § 42.24 will apply.

Accordingly, it is

ORDERED that *inter partes* review proceeding IPR2024-00487 is consolidated with *inter partes* review proceeding IPR2024-000486, with a copy of this Order to be entered in both cases;

FURTHER ORDERED that IPR2024-00487 is terminated;

FURTHER ORDERED that future papers shall be filed in IPR2024-000486;

FURTHER ORDERED that each party may file only one paper for each of the parties' respective deadlines set forth in the Scheduling Order;

FURTHER ORDERED that, unless the Board orders otherwise, the normal word limits for the Patent Owner Response, Petitioner's Reply, and Patent Owner's Sur-Reply will be as set forth in 37 C.F.R. § 42.24; and

FURTHER ORDERED that if either party seeks to modify the word limits for Patent Owner Response, Petitioner's Reply, and Patent Owner's Sur-Reply, they must, by August 20, 2024, either (1) submit a joint proposal requesting that the word limits be modified; or (2) contact the Board via email to indicate that the parties have met and conferred to discuss modifying the word limits, but have been unable to reach an agreement.

IPR2024-00486
IPR2024-00487
Patent 9,251,531 B2

PETITIONER:

Matthew Argenti
Michael Rosato
Patrick Medley
Joseph Baillargeon
WILSON SONSINI GOODRICH & ROSATI
margenti@wsgr.com
mrosato@wsgr.com
pmedley@wsgr.com
jbaillargeon@wsgr.com

PATENT OWNER:

Michelle Armond
Douglas Wilson
Patrick Maloney
Yue Han
ARMOND WILSON LLP
michelle.armond@armondwilson.com
doug.wilson@armondwilson.com
patrick.maloney@armondwilson.com
amy.han@armondwilson.com