

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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AYLO FREESITES LTD,  
Petitioner,

v.

WELLCOMEMAT, LLC,  
Patent Owner.

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IPR2024-00710  
IPR2024-01101<sup>1</sup>  
Patent 8,307,286 B2

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Before KARL D. EASTHOM, KARAL. SZPONDOWSKI, and  
BRIAN P. MURPHY, *Administrative Patent Judges*.

MURPHY, *Administrative Patent Judge*.

ORDER  
Consolidation of Proceedings  
Termination of IPR2024-01101  
*37 C.F.R. §§ 42.72, 42.122(a)*

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<sup>1</sup> This Order applies to both identified proceedings and administratively terminates IPR2024-01101. The caption for all future filings shall reflect only the surviving proceeding, IPR2024-00710, with a footnote stating that the Board administratively terminated IPR2024-01101 and consolidated it with IPR2024-00710.

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IPR2024-01101  
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In separate institution decisions, we instituted *inter partes* review in the above-captioned proceedings. *See* IPR2024-00710, Paper 13; IPR2024-01101, Paper 9. The two proceedings involve the same parties, the same patent, nearly the same prior art, and, at this stage, essentially the same issues. IPR2024-00710 challenges claims 13–15 and 18–20 of U.S. Patent No. 8,307,286 B2 (“the ’286 patent”), and IPR2024-01101 challenges claim 17 of the ’286 patent.

To secure the just, speedy, and inexpensive resolution of both *inter partes* reviews, and to administer the proceedings more efficiently, we exercise our authority to consolidate the above-captioned proceedings into a single surviving proceeding, namely IPR2024-00710. *See* 35 U.S.C. § 315(d); 37 C.F.R. §§ 42.1(b), 42.122(a).

In light of this Order of Consolidation, the proceeding in IPR2024-01101 is no longer necessary as a separate *inter partes* review and is hereby administratively terminated. *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.”). All further papers and exhibits shall be filed only in IPR2024-00710. The parties may refer to papers or exhibits previously filed in IPR2024-01101 to the extent necessary.<sup>1</sup> Petitioner and Patent Owner shall each file only one paper in connection with each party’s respective deadlines set forth in the Amended Scheduling Order filed concurrently herewith in IPR2024-00710. The word limits for each substantive paper to be filed in IPR2024-00710, e.g., for a Patent Owner Response (14,000 words), Motion to Amend (25 pages), Petitioner Reply (5,600 words), and Patent Owner Sur-Reply (5600 words) continue to apply. *See* 37 C.F.R. § 42.24

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<sup>1</sup> The large majority of exhibits are the same in both proceedings.

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(specifying word limits).

Accordingly, it is hereby

ORDERED that, pursuant to 35 U.S.C. § 315(d) and 37 C.F.R. § 42.122(a), IPR2024-00710 and IPR2024-01101 are consolidated for all purposes into a single *inter partes* review proceeding, IPR2024-00710;

FURTHER ORDERED that a copy of this Order is to be entered in both proceedings;

FURTHER ORDERED that IPR2024-01101 is administratively terminated;

FURTHER ORDERED that the parties shall file all subsequent papers and exhibits in IPR2024-00710 according to an Amended Scheduling Order, entered concurrently herewith in IPR2024-00710, that will govern the consolidated proceedings;

FURTHER ORDERED that each party may file only one paper in connection with each party's respective deadlines set forth in the Amended Scheduling Order; and

FURTHER ORDERED that the word limits for all substantive papers to be filed, including a Patent Owner Response, Motion to Amend, Petitioner Reply, and Patent Owner Sur-Reply will be as set forth in 37 C.F.R. § 42.24.

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IPR2024-01101  
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