

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOTE, LLC,
Petitioner

v.

STEAMBOAT PADDLESPORTS, LLC,
Patent Owner.

IPR2024-00889
U.S. Patent No. 10,479,458

**PETITIONER BOTE, LLC'S MOTION FOR FINDING THAT PATENT
OWNER ABANDONED THE CONTEST AND CONSTRUCTIVELY
REQUESTS ADVERSE JUDGMENT UNDER 37 C.F.R. § 42.73(b)(4)**

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EXHIBIT LIST

Exhibit No.	Description
1024	Declaration of David A. Mancino

I. STATEMENT OF THE PRECISE RELIEF REQUESTED

Under 37 C.F.R. § 42.73(b)(4) and the Board’s Order Granting Motion for Withdrawal from Representation of Patent Owner (Paper 16), Petitioner BOTE, LLC moves for a finding that Patent Owner Steamboat Paddlesports, LLC abandoned the contest and thus constructively requests adverse judgment. The Board should issue judgment adverse to Patent Owner and cancel all claims challenged in the Petition.

II. STATEMENT OF REASONS FOR RELIEF REQUESTED

On January 27, 2025, the Board granted Patent Owner’s counsel of record its motion to withdraw from representation of Patent Owner in this proceeding. Paper 16 (“Order”). In the Order, the Board gave Patent Owner three options to avoid a finding of abandonment: (1) file a response by February 18, 2025, (2) arrange a conference call in accordance with the Scheduling Order, or (3) stipulate a revised due date with Petitioner and file a response by the stipulated due date. *Id.* at 2–3. The Order also stated, “**Patent Owner must appoint counsel to proceed with any of these options, which Patent Owner should do without delay.**” *Id.* at 3 (emphasis in original).

On February 4, 2025, Patent Owner had not yet appointed new counsel. Petitioner therefore served the Order on Patent Owner’s registered agent in Colorado to ensure that Patent Owner received actual notice of the Order. Paper 17 and Exhibit 1023.

As of the filing of this Motion, Patent Owner has not (1) filed any Response to the Petition; (2) contacted Petitioner to schedule a conference call with the Board; or (3) contacted Petitioner to discuss a stipulation for revised due date for its Response. Mancino Decl., Exhibit 1024 ¶¶ 3, 5, 6. In fact, Petitioner has heard nothing at all from Patent Owner. *Id.* ¶ 7. Further, Patent Owner has not notified Petitioner's counsel that it has retained new counsel. *Id.* ¶ 4. No new counsel has appeared on behalf of Patent Owner.

Accordingly, the facts demonstrate that Patent Owner has abandoned the contest. BOTE respectfully moves for a holding that Patent Owner abandoned the contest and thus constructively requests adverse judgment under 37 C.F.R. § 42.73(b)(4). BOTE further moves the Board for an order granting Patent Owner's request for adverse judgment, granting the Petition in full, and canceling all challenged claims.

III. CONCLUSION

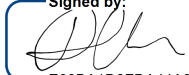
For the foregoing reasons, the Board should hold that Patent Owner abandoned the contest and has constructively requested adverse judgment under 37 C.F.R. § 42.73(b)(4). The Board should grant Patent Owner's request for adverse judgment, grant the Petition in full, and cancel all challenged claims.

Petitioner will again serve a copy of this Motion onto Patent Owner at its correspondence address of record, and on Patent Owner's registered agent in Colorado.

Respectfully submitted,

Date: February 21, 2025

/David A. Mancino/

Signed by:

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BOTE, LLC

CERTIFICATE OF SERVICE

In compliance with 37 C.F.R. § 42.6(e), the undersigned certifies that a copy of this motion was served on the 21st of February 2024, by Priority Mail Express® directed to the Patent Owner at the correspondence address of record:

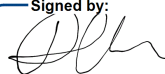
46317 - Trenner Law Firm, LLC
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14143 Denver West Pkwy, #100-94
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UNITED STATES

A courtesy copy was served on the 21st of February 2024, by Priority Mail Express® on the Patent Owner at:

Ms. Colleen King
Steamboat Paddlesports LLC
124 Hill Street
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Dated: February 21, 2025

/David A. Mancino/

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