

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ETN CAPITAL, LLC, d/b/a BEECH LANE,
Petitioner,

v.

FBA OPERATING CO.,
Patent Owner.

IPR2024-01445
Patent 10,890,925 B2

Before KEN B. BARRETT, MICHELLE N. WORMMEESTER, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Modifying Scheduling Order
37 C.F.R. § 42.5

On February 28, 2025, the Board instituted this *inter partes* review and entered a Scheduling Order (Paper 15). Among other dates, the Scheduling Order set Due Date 1 (Patent Owner's response to the Petition; Patent Owner's motion to amend the patent) at May 23, 2025. On May 23, 2025, Patent Owner filed an opposed motion to extend Due Date 1. We expunged that motion the same day, because Patent Owner filed it without authorization. Patent Owner then emailed the Board on May 23, 2025, requesting authorization to file a motion to change Due Date 1 (and only Due Date 1) from May 23, 2025, to July 22, 2025. *See* Ex. 3003.

On May 27, 2025, we denied Patent Owner's request for authorization to file a motion to change Due Date 1 of the Scheduling Order. *See id.* We indicated that, because Patent Owner first sought authorization to file the motion on Due Date 1 itself (May 23, 2025), permitting briefing on this opposed motion represented an unauthorized, *de facto* extension of Due Date 1. We *sua sponte* extended Due Date 1 to June 3, 2025, and Due Date 2 to August 25, 2025. *See id.* The Board also advised the parties to work together in good faith to stipulate to any further scheduling order changes as permitted by the Scheduling Order. *See id.*

On May 28, 2025, the parties advised the Board that they had been unable to reach agreement on any further scheduling changes. *See id.* On May 29, 2025, the Board held a conference call with the parties, wherein the Board orally ordered the parties to further meet and confer regarding schedule changes and to notify the Board by email by June 3, 2025, whether they had agreed to a new schedule.

On June 3, 2025, the parties informed the Board that they reached agreement on a revised schedule. Pursuant to 37 C.F.R. § 42.5, the Board hereby vacates Due Dates 1–4 as set in the Scheduling Order (Paper 15) and as amended in the Board’s May 27, 2025 email to the parties, and resets Due Dates 1–4 to the dates agreed upon by the parties (as set forth in the table below). There is no change to Due Dates 5–8. We include them below for completeness.

ORDER

IT IS HEREBY ORDERED that all previous dates set for Due Dates 1–4 are vacated, and the new deadlines for Due Dates 1–4 are indicated in the table below, together with Due Dates 5–8 for completeness:

Due Date	Original Date (vacated)	New Date
DUE DATE 1 (Patent Owner’s Response/Motion to Amend)	May 23, 2025 (amended to June 3, 2025)	July 10, 2025
DUE DATE 2 (Petitioner’s Reply/Opposition to Motion to Amend)	August 15, 2025 (amended to August 25, 2025)	October 3, 2025
DUE DATE 3 (Patent Owner’s Sur- reply/Reply to Opposition to Motion to Amend or Revised Motion to Amend)	September 26, 2025	October 29, 2025
DUE DATE 4 (Request for Oral Argument)	October 17, 2025	October 29, 2025
DUE DATE 5 (Sur-reply to	November 7, 2025	November 7, 2025

IPR2024-01445
Patent 10,890,925 B2

Opposition/Motion to Exclude)		
DUE DATE 6 (Opposition to Motion to Exclude/Request for Prehearing Conference)	November 14, 2025	November 14, 2025
DUE DATE 7 (Reply to Opposition to Motion to Exclude)	November 21, 2025	November 21, 2025
DUE DATE 8 (Oral Argument, if requested)	November 24, 2025	November 24, 2025

IPR2024-01445
Patent 10,890,925 B2

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