

PATENT TRIAL AND APPEAL BOARD

STANDARD OPERATING PROCEDURE 1 (REVISION 15)

ASSIGNMENT OF JUDGES TO PANELS

This Standard Operating Procedure (“SOP”) describes the process by which judges are assigned to panels in all jurisdictions of the Patent Trial and Appeal Board (“PTAB” or “Board”). These jurisdictions are *ex parte* appeals of patent applications (“*ex parte* appeals”), reexamination appeals, reissue appeals, interferences, and AIA¹ proceedings² (collectively “cases”). Assigning panels of at least three administrative patent judges (“APJs” or “judges”) to thousands of cases each year, across multiple jurisdictions, is performed by Board administrative personnel pursuant to the following guidance. The guidance is intended to implement efficient use of the expertise and experience of the APJs, while appropriately balancing APJ workloads and needs of the Board and stakeholders in relation to all jurisdictions of the Board.

This SOP sets forth internal norms for the administration of PTAB. It does not create any legally-enforceable rights. The actions described in this SOP are part of the USPTO’s deliberative process.

I. Non-exclusive Delegation of the Director’s Authority to the Chief Judge

“Each appeal, derivation proceeding, post-grant review, and *inter partes* review shall be heard by at least 3 members of the Patent Trial and Appeal Board, who shall be designated by the Director.” 35 U.S.C. § 6. The Director’s authority under 35 U.S.C. § 6(c) to designate panels has been delegated to the Chief Judge. The Chief Judge may further delegate the authority delegated by the Director as explained in further detail in the next section.

The delegated authority is non-exclusive and the Director expressly retains his or her own statutory authority to designate panels. This SOP does not limit the authority of the Director to designate, de-designate, or otherwise alter in any way

¹ Leahy-Smith America Invents Act, Pub. Law 112–29, 125 Stat. 284 (Sept. 16, 2011) (“AIA”)

² AIA proceedings include *inter partes* reviews under 35 U.S.C. § 311; post-grant reviews under 35 U.S.C. § 321; covered business method patent reviews under Leahy-Smith America Invents Act § 18, Pub. Law 112–29, 125 Stat. 284, 329 (Sept. 16, 2011); and derivation proceedings under 35 U.S.C. § 135.

at any time, panels in his or her sole discretion without regard to the procedures set forth herein. *See* 35 U.S.C. § 6(c).

II. Further Delegation of the Director's Authority by the Chief Judge

- A. At the direction of the Chief Judge, at least one administrative employee (hereinafter "designee") may be delegated the task of assigning merits panels (designations under 35 U.S.C. § 6(c)) for any jurisdictions of the Board, including *ex parte* appeals, reexamination appeals, reissue appeals, interferences, and AIA proceedings at such times as the Chief Judge deems appropriate, and in accordance with the further delegated authority of the Director.
- B. Employees selected to serve as designees will be notified of their selection by the Chief Judge.
- C. The delegation to a designee of the task of assigning merits panels is effective until such time as changed at the direction of the Chief Judge or as otherwise indicated by the Director.
- D. Designee(s) will become familiar with the guidance of this SOP.
- E. Designee(s) will follow the assignment guidelines provided below. Designee(s) are expected to use best efforts to balance the considerations set forth in the guidelines, such that cases are paneled with judges having appropriate jurisdictional designations, technology disciplines, work-load preferences, and docket compositions. The guidelines also strive for a balance of experience levels on panels, while also taking into account the needs of the Board.
- F. All actions taken pursuant to authority further delegated in accordance with this section are subject to review by the Chief Judge and ultimate review by the Director.

III. Guidelines for Paneling *ex parte* appeals, reexamination appeals, reissue appeals, and AIA proceedings

A. Designee(s) assign the three judges on a panel as APJ1, APJ2, and APJ3. To facilitate the equal balancing of workloads among judges, it is expected that, so long as APJ1 is in the majority, APJ1 will do a significant portion of the writing, including any significant writing assignments, and case management for a case, in consultation with APJ2 and APJ3.

Notwithstanding these provisions, any of the three APJs assigned to a case may draft written work product in the case, and in all circumstances all three APJs provide input on significant writing assignments except in rare circumstances where fewer than all three APJs are available and there is no statutory requirement for a three APJ panel.

1. Significant writing assignments in *ex parte* appeals and reissue appeals include appeals decisions pursuant to 35 U.S.C. § 134(a).
2. Significant writing assignments in reexamination appeals include *ex parte* reexamination appeals decisions pursuant to 35 U.S.C. § 134(b) and *inter partes* reexamination appeals decisions pursuant to pre-AIA 35 U.S.C. § 134(b) and/or (c).
3. Significant writing assignments in AIA proceedings include decisions on institution (DIs) pursuant to 35 U.S.C. §§ 314 and 324 and final written decisions (FWDs) pursuant to 35 U.S.C. §§ 318 and 328.
4. Significant writing assignments for all Board cases also may include decisions on requests for rehearing or decisions on remand from the United States Court of Appeals for the Federal Circuit or a United States District Court.
5. In addition, the Chief Judge may designate other written work product, produced pursuant to the Board's statutory authority, as significant writing assignments, as appropriate for purposes of docket management. *See, e.g.*, 35 U.S.C. § 135 (derivations); pre-AIA 35 U.S.C. § 135 (interferences).

B. **Avoidance of conflicts of interest:** Each judge must provide a list of conflicts to the designee(s).

1. Guidance on situations giving rise to a conflict are set forth in the Summary of Ethics Rules promulgated by the United States Department of Commerce for the United States Patent and Trademark Office, available at <https://ogc.commerce.gov/page/ethics-rules> (“USPTO Ethics Rules”).
2. Designee(s) must not panel a judge on any case having a conflict.
3. Each judge must update his or her conflicts, as defined in Section III.B.1, if the judge becomes aware of a conflict during the course of a proceeding or otherwise.
4. Each judge is responsible ultimately for avoiding a conflict, and informing the designee(s) that re-paneling may be needed upon becoming aware of a conflict in a particular case.

C. **Paneling by jurisdiction designation:** By default, all judges work on *ex parte* appeals. As described further below, some judges are assigned to be paneled only on *ex parte* appeals, while other judges also are assigned to be paneled on cases in other jurisdictions of the Board (e.g., reexamination appeals and/or AIA proceedings).

1. Jurisdiction designations are made by PTAB leadership, taking into account, among other things, the expressed jurisdictional preference(s) of each judge, the overall docket composition of the Board, and the needs of the Board.
2. Designee(s) maintain current records of each judge’s designated jurisdiction(s).
3. Designee(s) should ensure that judges are paneled in accordance with their designated jurisdiction(s). For example, Designee(s) should ensure that a judge who is assigned to be paneled only on *ex parte* appeals is not paneled on cases in other jurisdictions absent contrary direction from PTAB leadership.

D. Periodic paneling:

1. For judges assigned to be paneled only on *ex parte* appeals, designee(s) will automatically assign *ex parte* appeals to a judge's docket on a regular, periodic basis, with the goal of maintaining a given judge's docket size at a target level. To request additional appeals, up to a designated maximum number of *ex parte* appeals, a judge should contact the designee(s) to request that additional *ex parte* appeals be added to his or her docket. The judge's supervisor must approve all requests in excess of the designated maximum number.
 - a. A judge who is assigned to be paneled only on *ex parte* appeals generally will be assigned one *ex parte* appeal as APJ2 and one *ex parte* appeal as APJ3 for each *ex parte* appeal assigned to the judge as APJ1.
2. A judge who is assigned to be paneled on cases in other jurisdictions of the Board (e.g., a judge assigned to handle reexamination appeals and/or AIA proceedings) is not automatically paneled on *ex parte* appeals.
 - a. To request *ex parte* appeals to be added to his or her docket, a judge who is assigned to be paneled on cases in other jurisdictions of the Board should contact the designee(s) to request a certain number of additional *ex parte* appeals, up to a designated maximum, and also notify the judge's supervisor. The judge's supervisor must approve all requests in excess of the designated maximum number.
 - b. A judge who is assigned to be paneled on cases in other jurisdictions of the Board generally will be assigned one *ex parte* appeal as APJ2 and one *ex parte* appeal as APJ3 for each *ex parte* appeal assigned to the judge as APJ1.

3. Designee(s) panel AIA proceedings on a regular, periodic basis (monthly). Each month, designee(s) identify and panel AIA proceedings after a Notice of Filing Date Accorded (“NFDA”) is mailed the previous month. These cases will have a projected decision on institution (“DI”) statutory due date six months from the NFDA. A final written decision (“FWD”) has a statutory due date 12 months from the date a DI is issued. In paneling AIA proceedings, designee(s) take into account these dates, as well as the dockets of the assigned judges and the needs of the Board, as set forth below.

E. **Paneling by technology:** Designee(s) should, when possible, match the technology discipline elections of a judge to the technology discipline at issue in each case.

1. Designee(s) should ensure a match between the technology discipline of the case and the technology discipline preferences of the paneled judges.
2. Each judge is characterized as having preferences in one or more of the following technology disciplines—biotechnology/pharma, business methods, chemical, electrical, mechanical, and design.
 - a. Each judge indicates a primary technology preference and, where appropriate, additional technology preferences.
3. Designee(s) panel cases according to technology discipline.
 - a. A technology cluster is a group of judges that are paneled together routinely to decide cases in a particular technology discipline. There are one or more technology clusters encompassing each of the technology disciplines listed in Section III.E.2 above. There also are clusters for reexamination appeals, design patents, reissue appeals, and interferences.
 - b. A case is first assigned to a “master docket” for the technology discipline corresponding to the subject matter of the claims at issue. Master dockets generally are determined based on the USPTO examination classification of the underlying case.

- c. Designee(s) assign each case to a panel of judges having the appropriate technology preferences, as practicable. A judge may be assigned to a case of a particular technology discipline if that judge has indicated a technology preference for that technology discipline, primary or otherwise. However, the designee(s) should attempt to fill a given judge's docket with cases from his or her primary technology preference.
- d. If Board needs dictate, however, a judge may be assigned to a case relating to any technology or cluster.
- e. Designee(s) will attempt to assign *ex parte* appeals with three judges in the same technology cluster.
- f. Designee(s) will assign *ex parte* appeals for design patent applications to panels of APJs in the design cluster, whenever feasible. If necessary, APJ3 may be a judge outside of the design cluster.
- g. Designee(s) will assign reexamination appeals for reexamination applications to panels of APJs in the reexamination cluster, whenever feasible.
- h. Reissue appeal paneling will occur as stated below, whenever feasible.
 - i. Designee(s) will assign reissue appeals involving rejections under 35 U.S.C. § 251 to panels of APJs in the reissue cluster.
 - ii. Designee(s) will assign reissue appeals not involving rejections under 35 U.S.C. § 251 to panels of APJs in the technology cluster corresponding to the technology discipline of the case.
 - iii. Designee(s) will assign a reissue appeal merged with a reexamination appeal to the panel assigned to the corresponding reexamination appeal.
- i. Designee(s) will assign interferences to panels of APJs in the interference cluster.

- j. Designee(s) will assign AIA proceedings involving design patents, derivation proceedings, covered business method patent reviews, post-grant reviews, interferences, and reexaminations, with judges that have been assigned to be paneled on those cases, whenever feasible.

F. Paneling by experience: Designee(s) will panel judges new to deciding *ex parte* appeals or AIA proceedings with more experienced judges. Designee(s) will not panel new judges on cases with other new judges or other less experienced judges absent contrary direction from PTAB leadership.

G. Paneling related cases:

1. Designee(s) should assign *ex parte* appeals for which there was a prior appeal to the same panel that heard the prior appeal, if possible.
 - a. Where a large number of applications are related, additional factors should be considered in paneling appeals for such applications to ensure decision consistency. For instance, a dedicated panel of three judges may be set up to handle such appeals. Such a panel should help ensure decision consistency across a large number of related applications.

2. For reexamination appeal proceedings, to facilitate efficiency and consistency of results, designee(s) should assign reexamination appeal proceedings challenging the same patent, or involving the same patent owner and involving related subject matter, to the same panel of judges, when possible. When a reexamination appeal proceeding is based on a patent that is/was also involved in an AIA proceeding, then designee(s) should assign the authoring judge of the DI and/or the FWD in the related AIA proceeding as APJ3 in the reexamination appeal, to ensure consistency in the proceedings. Alternatively, when an AIA proceeding is based on a patent that is/was also involved in a reexamination proceeding, then designee(s) should assign the authoring judge of significant writing assignments in the related reexamination appeal proceeding as APJ3 in the AIA proceeding, to ensure consistency in the proceedings. Such cases should be identified and paneled before paneling reexamination or AIA proceedings not challenging a previously challenged patent, or involving a patent owner and subject matter subject to a previous challenge.
3. For AIA proceedings, to facilitate efficiency and consistency of results, designee(s) should assign families of AIA proceedings challenging the same patent, or involving the same patent owner and involving related subject matter, to the fewest total judges as is practicable in view of statutory deadlines and judge workload and availability. Such cases should be identified and paneled before paneling cases not related by family.
 - a. It is preferred, as workloads permit, to panel as APJ1 a judge who is currently paneled as APJ1 on a pending case in the family or has written decisions on the merits in a previous case within the family. The next most preferred judge for APJ1 is a judge who has previously served as APJ2 or APJ3 on a case in the family.
 - b. APJ2 and APJ3 should be chosen such that cases in the family are paneled with the same three judges, if practicable. If it is not practicable to panel each case in a family with the same three judges, some overlap of judges on the panels is preferred to promote consistency.

- c. When paneling new cases in the family, designee(s) should, where appropriate, seek input from judges currently serving on existing cases in the family regarding the relative ability of those judges to take on more work.
- d. Generally, large families (e.g., four or more cases in a month) unrelated to previous cases by patent owner (in other words, a new family) should be paneled with at least two judges who, after consideration of the judges' other due dates in the intervening months, have availability to author two or more DIs by the projected due dates of the new cases. A judge paneled as APJ1 on a case also should be paneled as APJ2/3 on other cases in the family.
- e. A new case in which a request for joinder has been filed will include a challenge to the same patent that is the subject of an existing case to which joinder is requested. The new case presumptively should be assigned to the same panel as the existing case.
- f. A new case not involving a request for joinder but challenging a patent challenged in a previous case presumptively should be assigned to the same panel as the previous case.
- g. If a patent challenged in a new case has been challenged in multiple previous cases presided over by different panels, designee(s) should take into account judge workloads, which judge has most recently been paneled as APJ1 on a case challenging the patent, and whether the judges have written decisions on the merits as to the challenged patent when assigning a panel in the new case.
- h. Designee(s) should panel unrelated small families of cases and stand-alone cases to judges with availability remaining after paneling large families and cases related to existing cases by patent or patent owner.

H. Order of handling cases:

1. Designee(s) will assign *ex parte* appeals to panels in order based on the appeal numbers assigned by PTAB when the appeals are received by PTAB. Judges are expected to decide *ex parte* appeals generally in the order the appeals are received by PTAB.
2. Designee(s) will panel pre-GATT cases, i.e., applications filed prior to June 8, 1995, immediately when received by PTAB. *Ex parte* appeals for pre-GATT applications are prioritized based on the age of the application, rather than the appeal number.
3. Designee(s) will prioritize assignment of *ex parte* appeals that have been made special, either through a granted petition to make special of the underlying application or any on-going expedited patent appeal pilot program. Designee(s) will panel such prioritized appeals as may occur at a regular interval to help ensure that such appeals are spread across an appropriate number of judges, such that an individual judge has the capacity to decide the prioritized appeals in an expedited manner.
4. Designee(s) will panel appeals in reexamination and reissue proceedings to ensure such cases are decided with special dispatch.
5. Designee(s) will panel AIA proceedings in a manner that strives to ensure that all statutory deadlines are met.

I. Cases with hearings

1. Unless the needs of the PTAB require otherwise, designee(s) will panel *ex parte* appeals with hearings with three judges who are paneled on *ex parte* appeals only.
2. Office locations for AIA proceedings and *ex parte* appeals with hearings:
 - a. Designee(s) should panel a case with at least two judges serving in Alexandria or a regional office. The two judges need not serve in the same office.
3. Designee(s) may panel judges from different technology clusters to accommodate a heard *ex parte* appeal conducted outside of the Alexandria office.

J. Balancing workload:

1. Unless an exception applies, designee(s) should assign a judge one case as APJ2 and one case as APJ3 for each case designee(s) assign the judge as APJ1.
2. Judges provide desired relative levels of AIA proceedings and *ex parte* appeal participation to the designee(s). Because significant writing assignments in AIA proceedings (DIs and FWDs) have statutory due dates, before assigning an AIA proceeding to a judge, designee(s) must check the existing assignments for that judge to ascertain whether that judge's workload is substantially above or below his or her target participation level in AIA proceedings. This check can, and should, be performed at multiple stages of the paneling process, as appropriate.
3. Designee(s) should take into consideration the number of significant AIA writing assignments a judge has due in the month of, or months surrounding, the expected due date of a DI in a new AIA proceeding to be assigned to the judge.
4. In cases where a judge presumptively is to receive an APJ1 assignment in an AIA proceeding (e.g., the judge has presided over a previous case challenging the same patent), and the additional case(s) would place the judge significantly over his or her target participation level, designee(s) should contact the judge and obtain feedback from the judge regarding his or her workload before making the assignment.
5. If, after all AIA cases are paneled for a month, a judge's workload is significantly below his or her target participation level in AIA proceedings, designee(s) should give that judge priority in paneling AIA proceedings the following month.

K. Release of cases

1. After panels are preliminarily assigned to all relevant cases in a given time period, the paneled cases are released, i.e., designee(s) will enter the preliminarily paneled cases into the appropriate PTAB database.

2. Occasionally designee(s) will receive a request to release a case to a panel before a regular, periodic release, e.g., the trial support staff may ask for a panel to be created immediately when the parties in a case request authorization to file a motion before the case has been paneled, for example. Designee(s) may panel and release such a case before the remaining cases are released as part of the regular, periodic release. However, if the new case is paneled and released early, designee(s) must mark the case as having been released so that it does not cause confusion when the remainder of the paneled cases are released.

L. Panel changes

1. Reasons why a panel may change include:
 - a. **RECUSAL** – Judges shall recuse themselves upon becoming aware of an existing or later arising conflict, as defined in Section III.B.1 (referring to USPTO Ethics Rules).
 - b. **UNAVAILABILITY** – Judges may be unavailable for reasons that include: an approved agency leave request (for example, maternity leave, paternity leave, FMLA leave, sick leave, or annual leave); death or serious illness of the judge or a family member; detail assignment within or outside of the USPTO; reassignment; or the retirement or permanent departure of the judge from the agency.
 - c. **DEADLINES** – Judges may be reassigned to meet PTAB’s deadlines (when such deadlines cannot be met by reassigning cases not having a publicly assigned panel).
2. Generally, before a panel has appeared (e.g., in a decision or hearing), a panel may change as is determined by the designees for the foregoing reasons, or at the request of a judge.
3. For all proceedings in which the panel has appeared (e.g., in a decision or hearing), panel changes are disfavored.
 - a. To request removal from a panel the judge should contact the designee(s) and copy his or her supervisor.

- b. A supervisor's approval is NOT required when a judge requests to be removed from a panel due to a conflict as defined in Section III.B.1 (referring to USPTO Ethics Rules).³ Designee(s) shall grant this request.
 - c. Generally, a supervisor's approval is required for all other requests.
- 4. For all proceedings in which the panel has appeared, panel changes made by the designee(s) that result in the substitution of one or more judges must be finally approved by the Chief Judge or the Deputy Chief Judge, unless the panel change occurs as a result of the process set forth in Standard Operating Procedure 2. The Chief Judge or Deputy Chief Judge will track instances of such repaneling and report to the Director on a periodic basis.
 - a. If finally approved, designee(s) will instruct a trial paralegal to enter an order ("Panel Change Order") of the Chief Judge or the Deputy Chief Judge into the record notifying the parties of the panel change. The Order will identify the new panel and provide the reason for the panel change from the reasons enumerated above (i.e., "recusal," "unavailability," or "deadlines"). Appendix 1 to this SOP provides the form of the Panel Change Order.
- 5. Notwithstanding the foregoing provisions of this section, panel members may reorder themselves as APJ1, APJ2, and APJ3 at the panel's discretion at any time during a proceeding, without obtaining a supervisor's approval. The panel will notify the designee(s) so that the case assignment records may be updated.

³ If the judge is not sure about whether the factual circumstances of his or her situation creates the appearance of a conflict, the judge should consult with a Department of Commerce ethics official at: ethicsdivision@doc.gov. See USPTO Ethics Rules, 1–2 ("Whether particular situations create an appearance that the law or these standards have been violated shall be determined from the perspective of a reasonable person with knowledge of the relevant facts.")

M. Expanded panels: An expanded panel is a panel with more than three judges. An expanded panel is not favored and ordinarily will not be used. From time to time, however, it may be desirable to use an expanded panel.

1. An expanded panel may be used, where appropriate, to secure and maintain uniformity of the Board's decisions, e.g., in related cases ordinarily involving different three judge panels.⁴
2. A Board member, including a statutory Board member, may suggest the need for an expanded panel. Likewise, the Patent Business Unit, an applicant for a patent, or a patent owner or petitioner in a case pending before the Board may suggest the need for an expanded panel. If submitted by an applicant, patent owner or petitioner, such request must be included in a briefing paper specifically requesting such relief.
3. When a Board member (1) suggests an expanded panel or (2) receives a suggestion for an expanded panel either from the Patent Business Unit, an applicant for a patent, or a patent owner or petitioner in a case, the Board member sends an e-mail to PTABExpandedPanelRequest@uspto.gov. The written notification shall explain the reason for the suggestion.
4. A member of PTAB leadership designated by the Chief Judge (e.g., a Lead Administrative Patent Judge) monitors expanded panel request e-mails, presents outstanding requests to the Chief Judge on a periodic basis, and notifies panels as to whether the request is granted or denied.
5. Generally, an odd number of judges will be designated to decide cases in which an expanded panel is to be used.
6. All decisions to use an expanded panel must be recommended by the Chief Judge and approved by the Director.

⁴ Reasons such as establishing binding agency authority concerning major policy or procedural issues, or other issues of exceptional importance, are generally expected to be addressed using the procedures set forth in Standard Operating Procedure 2.

7. When an expanded panel is designated (1) after a case initially has been assigned to a panel and (2) before a decision is entered by the panel, the judges initially designated shall be designated, if available, as part of the expanded panel.
 - a. If an expanded panel is approved, Designee(s) will instruct a trial paralegal to enter an order (“Panel Change Order”) of the Chief Judge or the Deputy Chief Judge into the record notifying the parties of the panel change. The Order will identify the expanded panel. Appendix 2 to this SOP provides the form of the Panel Change Order for expanded panels.
8. When an expanded panel is designated (1) after entry of a decision by a panel and (2) to consider a request for rehearing of the decision of the panel, the judges on the initial panel shall, if available, be designated as part of the expanded panel. The expanded panel shall decide the rehearing on its merits.

PATENT TRIAL AND APPEAL BOARD
STANDARD OPERATING PROCEDURE 1

APPENDIX 1

Panel Change Order

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XXXXX,
Petitioner

v.

YYYYY,
Patent Owner.

Case IPR201X-XXXXX
Patent X,XXX,XXX

Before **[INSERT NAME [DEPUTY] CHIEF]**, [*Deputy*] *Chief Administrative Patent Judge*.

PANEL CHANGE ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

IPR201X-XXXXX
Patent X,XXX,XXX

The parties are notified that the panel has changed in the above referenced proceeding(s). *See* PTAB Standard Operating Procedure 1, Rev. 15. Due to **[insert: recusal, unavailability, or deadlines]**, Administrative Patent Judge AAAAAA replaces Administrative Patent Judge XXXXXX on the panel.

Thus, Administrative Patent Judges AAAAAA, YYYYYY, and ZZZZZZ now constitute the panel for consideration of all matters in this proceeding. *See* PTAB Standard Operating Procedure 1, Rev. 15. All prior decisions and orders remain in effect. The parties may contact the Board at Trials@uspto.gov if they have questions.

It is

ORDERED.

IPR201X-XXXXX
Patent X,XXX,XXX

For PETITIONER:

For PATENT OWNER:

PATENT TRIAL AND APPEAL BOARD
STANDARD OPERATING PROCEDURE 1

APPENDIX 2

Panel Change Order

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

XXXXX,
Petitioner

v.

YYYYY,
Patent Owner.

Case IPR201X-XXXXX
Patent X,XXX,XXX

Before **[INSERT NAME [DEPUTY] CHIEF]**, [*Deputy*] *Chief*
Administrative Patent Judge.

PANEL CHANGE ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5

IPR201X-XXXXX
Patent X,XXX,XXX

The parties are notified that an expanded panel has been designated in the above referenced proceeding(s). *See* PTAB Standard Operating Procedure 1, Rev. 15. Administrative Patent Judges AAAAA and BBBB are added to the panel.

Thus, Administrative Patent Judges AAAAA, BBBB, XXXXX, YYYYY, and ZZZZZ now constitute the panel for consideration of all matters in this proceeding. *See* PTAB Standard Operating Procedure 1, Rev. 15. All prior decisions and orders remain in effect. The parties may contact the Board at Trials@uspto.gov if they have questions.

It is

ORDERED.

IPR201X-XXXXX
Patent X,XXX,XXX

For PETITIONER:

For PATENT OWNER: