

NOTE: This order is nonprecedential.

**United States Court of Appeals
for the Federal Circuit**

KNOWLES ELECTRONICS LLC,
Appellant

v.

**JOSEPH MATAL, PERFORMING THE FUNCTIONS
AND DUTIES OF THE UNDER SECRETARY OF
COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR, U.S. PATENT AND TRADEMARK
OFFICE,**
Intervenor

2016-1954

Appeal from the United States Patent and Trademark
Office, Patent Trial and Appeal Board in No. 95/001,850.

Before NEWMAN, CLEVINGER, and WALLACH, *Circuit
Judges.*

PER CURIAM.

This appeal has been fully briefed and argued. In light
of the parties' briefs and oral argument, the court sua sponte
enters the following order.

O R D E R

IT IS ORDERED THAT:

- (1) Appellant, Knowles Electronics LLC (“Knowles”), and Appellee-Intervenor, the U.S. Patent and Trademark Office (“USPTO”), are requested to file supplemental briefs. The briefs should address the following issues:
 - a. When the prevailing party in an inter partes reexamination proceeding before the USPTO’s Patent Trial and Appeal Board (“Board”) declines to appear before this court to defend the decision below, is the USPTO’s Director required to possess Article III standing in order to intervene?
 - b. If yes, does the Director possess such standing in this appeal?
 - c. Additionally, if the Director does in fact possess standing; must the Director defend the Board’s decision? Alternatively, what are the ramifications if the Director declines to defend the Board’s decision?
- (2) The supplemental briefs shall be no more than 20 pages, double-spaced.
- (3) The USPTO’s principal brief shall be due by July 31, 2017. Knowles’s response brief shall be due by August 14, 2017. The USPTO’s reply shall be due by August 28, 2017.

FOR THE COURT

June 30, 2017
Date

/s/ Peter R. Marksteiner
Peter R. Marksteiner
Clerk of Court