

NOTE: This order is nonprecedential.

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

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**J. CARL COOPER, ECHARGE LICENSING, LLC,**  
*Plaintiffs-Appellants*

**v.**

**MICHELLE K. LEE, Director, U.S.  
Patent and Trademark Office, in her  
capacity as Deputy Director of the  
United States Patent and Trademark Office,**  
*Defendant-Appellee*

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2015-1483, 2016-1071

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Appeals from the United States District Court for  
the Eastern District of Virginia in No. 1:14-cv-00672-  
GBL-JFA, Judge Gerald Bruce Lee.

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**ON MOTION**

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Before MOORE, LINN, and WALLACH, *Circuit  
Judges*. LINN, *Circuit Judge*.

**ORDER**

Appellants move for summary affirmance of the  
district court's decision in these appeals. The Director

of the United States Patent and Trademark Office responds in support of summary affirmance.

Appellants and the PTO agree that this court's decision in *MCM Portfolio LLC v. Hewlett-Packard Co.*, No. 2015-1091, \_\_\_ F.3d \_\_\_ (Fed. Cir. Dec. 2, 2015) rejected the constitutional arguments concerning *inter partes* review proceedings that appellants wished to raise in their appeals.

Accordingly,

IT IS ORDERED THAT:

- (1) The motion for summary affirmance is granted.
- (2) Each party shall bear its own costs.

FOR THE COURT

/s/ Daniel E. O'Toole

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Daniel E. O'Toole

Clerk of Court