

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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OCEAN TOMO LLC,

Petitioner,

v.

PATENT RATINGS LLC,

Patent Owner.

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Case CBM2015-00157  
Patent 9,075,849 B2

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Before BARRY L. GROSSMAN, KRISTINA M. KALAN, and PETER P.  
CHEN, *Administrative Patent Judges*.

CHEN, *Administrative Patent Judge*.

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

On October 26, 2015, Patent Owner filed a Preliminary Response, arguing, *inter alia*, in Section II of the Preliminary Response that Petitioner fails to meet the eligibility requirements of 37 C.F.R. § 42.302(a) to pursue CBM review of U.S. Patent No. 9,075,859. Paper 10. During a conference call held on November 20, 2015, between counsel for the parties and Judges Grossman, Kalan, and Chen, Petitioner requested authorization to file a Reply to the Preliminary Response to address Patent Owner's arguments. Patent Owner opposed Petitioner's request.

Upon consideration of the positions of the parties, we authorize Petitioner to file a Reply, of up to five (5) pages (including any evidentiary showing), limited to addressing the issues raised in Section II of the Preliminary Response.

It is ORDERED that Petitioner is authorized to file a Reply to the Preliminary Response by December 1, 2015, limited to five (5) pages, without any incorporation by reference, and limited to addressing Patent Owner's arguments made in Section II of the Preliminary Response; Petitioner may include new evidence, filed in the form of exhibits in accordance with Board rules, in support of the arguments in the authorized Reply.

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PETITIONER:

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