

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE INC.,
Petitioner,

v.

PATRICK ZUILI,
Patent Owner.

Case CBM2016-00022
Patent 8,326,763 B2

Before JAMESON LEE, GLENN J. PERRY, and MIRIAM L. QUINN,
Administrative Patent Judges.

LEE, *Administrative Patent Judge.*

ORDER
Conduct of Proceedings
37 C.F.R. § 42.5

On December 27, 2016, we denied Petitioner's request for an extension of time to file a request for oral hearing. Paper 35. On December 29, 2016, Petitioner sent an email to the Board, requesting authorization (1) to file a motion for extension of time under 37 C.F.R. § 42.5(c)(2) to file a request for oral hearing, or (2) a motion to excuse late filing of a request for oral hearing under 37 C.F.R. § 42.5(c)(3).

Petitioner's email communication of December 29, 2016, is improper because it was excessively long and includes arguments that should not be present in email communications which by default are not made of record. Petitioner essentially has put its motion within the email communication. That is improper. The email communication also was improper for requesting relief that was already denied, i.e., a request for an extension of time to file a request for oral argument.

ORDER

It is

ORDERED that for reasons discussed above, Petitioner's email request of December 29, 2017, is *dismissed*; and

FURTHER ORDERED that if Petitioner desires to file a motion to excuse late filing under 37 C.F.R. § 42.5(c)(3), it may request a telephone conference call, within two days of the date of this Order, to seek authorization to file the motion, and should note that the applicable standard under 37 C.F.R. § 42.5(c)(3) is "in the interest of justice," which is higher than a good cause showing under 37 C.F.R. § 42.5(c)(2); and

FURTHER ORDERED that a copy of Petitioner's email communication of December 29, 2017, is entered in the record as Exhibit 3005.

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