

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EBAY INC. and PAYPAL, INC.,
Petitioner,

v.

XPRT VENTURES, LLC,
Patent Owner.

Cases CBM2017-00024 (Patent 7,610,244 B2)
CBM2017-00025 (Patent 7,627,528 B2)
CBM2017-00026 (Patent 7,512,563 B2)
CBM2017-00027 (Patent 7,483,856 B2)
CBM2017-00028 (Patent 7,599,881 B2)
CBM2017-00029 (Patent 7,567,937 B2)¹

Before KEVIN F. TURNER and MICHAEL R. ZECHER, *Administrative Patent Judges*.

ZECHER, *Administrative Patent Judge*.

ORDER

Conduct of the Proceedings; Management of the Records
37 C.F.R. §§ 42.5 and 42.7(a)

¹ This Order addresses issues that are the same in all six cases. We, therefore, exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this style heading for any subsequent papers.

CBM2017-00024 (Patent 7,610,244 B2) CBM2017-00027 (Patent 7,483,856 B2)
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CBM2017-00026 (Patent 7,512,563 B2) CBM2017-00029 (Patent 7,567,937 B2)

I. DISCUSSION

On October 23, 2017, Patent Owner, XPRT Ventures, LLC (“XPRT”), filed its Patent Owner Response in each of Cases CBM2017-00024, -00025, -00026, -00027, -00028, and -00029. CBM2017-00024 to -00028, Paper 11; CBM2017-00029, Paper 14. Those Patent Owner Responses, however, are not in compliance with our rules.

Specifically, the fonts are not in 14-point, Times New Roman as required by 37 C.F.R. § 42.6(a)(2)(ii). Double spacing is not used as required by § 42.6(a)(2)(iii). In addition, § 42.6(a)(2)(iii) requires block quotations to be at least 1.5 spaced and indented from both the left and right margins, but the block quotes are single-spaced and not indented from the right margins. Furthermore, the text in the footnotes must meet each of these requirements as well, but the footnotes are neither in 14-point, Times New Roman font nor double-spaced. Lastly, pursuant to § 42.24(d), a certification stating the number of words in a patent owner response is required, but no such certifications are included with the Patent Owner Responses.

Accordingly, each of XPRT’s Patent Owner Responses shall be expunged. 37 C.F.R. § 42.7(a). XPRT shall file corrected Patent Owner Responses that are in compliance with our rules within five (5) business days of entry of this Order. Apart from rectifying the deficiencies noted above, XPRT is not authorized to make any other substantive changes to its Patent Owner Responses. Nor is XPRT authorized to file new evidence of any kind therewith.

CBM2017-00024 (Patent 7,610,244 B2) CBM2017-00027 (Patent 7,483,856 B2)
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II. ORDER

Accordingly, it is:

ORDERED that, pursuant to 37 C.F.R. § 42.7(a), XPRT's Patent Owner Responses filed in each of the six proceedings (CBM2017-00024, -00025, -00026, -00027, -00028, Paper 11; CBM2017-00029, Paper 14) shall be expunged from the record upon the entry of this Order; and

FURTHER ORDERED that XPRT shall file corrected Patent Owner Responses that are in compliance with 37 C.F.R., part 42, in each of Cases CBM2017-00024, -00025, -00026, -00027, -00028, and -00029, within 5 business days of the entry of this Order.

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