

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

UNIVERSAL SECURE REGISTRY, LLC,
Patent Owner.

CBM2018-00024 (Patent 8,577,813 B2)
CBM2018-00025 (Patent 8,577,813 B2)¹

Before PATRICK R. SCANLON, GEORGIANA W. BRADEN, and
JASON W. MELVIN, *Administrative Patent Judges*.

BRADEN, *Administrative Patent Judge*.

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

¹ The Order concerns a matter applicable to both proceedings. We exercise our discretion to file a single Order in both cases. The parties, however, are not authorized to use this caption.

CBM2018-00024 (Patent 8,577,813 B2)
CBM2018-00025 (Patent 8,577,813 B2)

Patent Owner contacted the Board by email on June 3, 2019, requesting authorization to file motions to strike certain arguments and evidence submitted by Petitioner or, in the alternative, to file responsive declarations with Patent Owner's Sur-replies. Petitioner opposes Patent Owner's request to file motions to strike or responsive declarations. Specifically, in its own separate email, Petitioner argues that Patent Owner's request to file motions to strike is late per the 2018 Revised Trial Practice Guide.

The 2018 Revised Trial Practice Guide states:

Generally, authorization to file a motion to strike should be requested within one week of the allegedly improper submission. The Board will consider such requests on a case-by-case basis.

See 2018 Revised Trial Practice Guide,

https://www.uspto.gov/sites/default/files/documents/2018_Revised_Trial_Practice_Guide.pdf at page 18. Based on (1) the Trial Practice Guide's indication that the one week deadline is not a strict deadline but only applied generally because the Board will consider each case individually, and (2) the intervening federal holiday on Monday, May 27, 2019, we determine that Patent Owner's request is timely and is authorized.

In consideration of the foregoing, it is:

ORDERED that Patent Owner may file a motion to strike by June 11, 2019; and

FURTHER ORDERED that Petitioner may file an opposition to Petitioner's motion by June 19, 2019; and

FURTHER ORDERED that Patent Owner may file a reply to Patent Owner's opposition by June 24, 2019.

CBM2018-00024 (Patent 8,577,813 B2)

CBM2018-00025 (Patent 8,577,813 B2)

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