

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SIPNET EU S.R.O.,
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.,
Patent Owner.

Case IPR2013-00246
Patent 6,108,704 C1

Before KALYAN K. DESHPANDE, TRENTON A. WARD, and
BART A. GERSTENBLITH, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

ORDER
Authorization to File Additional Briefing
37 C.F.R. § 42.5

The Board held a conference call with Petitioner on March 22, 2016 and Patent Owner on March 29, 2015. Petitioner requests authorization to submit additional briefing, from both Petitioner and Patent Owner, in light of the decision by the United States Court of Appeals for the Federal Circuit in *Straight Path IP Group, Inc. v. Sipnet EU S.R.O.*, 806 F.3d 1356 (Fed. Cir. 2015). Petitioner specifically requests additional briefing to explain how, if at all, the decision impacts the Board's final written decision on unpatentability in this matter. Petitioner requests ten pages of additional briefing. Patent Owner opposes Petitioner's request to file additional briefing, asserting that arguments regarding the claim construction of "is connected" and "on-line status" were advocated throughout these proceedings and have already been addressed fully. Patent Owner requests that if additional briefing is authorized, citations should be provided to where in the record these arguments have been originally raised. Patent Owner additionally requests that if additional briefing is authorized, it is limited to seven pages in order to remain consistent with the other related proceedings.

We grant Petitioner's request to file additional briefing in order to assist the Board in determining the impact of the Federal Circuit's decision on these proceedings. Petitioner's additional briefing is to not exceed seven pages, and shall not include any new evidence or any new argument. Rather, Petitioner should limit the briefing to explain the impact of the Federal Circuit decision on these proceedings. We further require Petitioner to provide citations in this additional briefing to those portions of the previously existing record where the argument or evidence was originally introduced. We also authorize Patent Owner to file a reply to Petitioner's additional briefing. Patent Owner's reply shall not exceed seven pages, and shall also not include any new evidence or arguments. We also require

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Patent Owner to provide citations in the reply to those portions of the previously existing record where the arguments or evidence were originally introduced.

Petitioner's additional briefing shall be submitted by Tuesday, April 5, 2016.

Patent Owner's briefing shall be submitted by Tuesday, April 12, 2016.

Order

It is

ORDERED that Petitioner's request to file additional briefing is granted;

FURTHER ORDERED that Petitioner's additional briefing shall not exceed seven pages, shall not include any new evidence or argument, and is due no later than April 5, 2016; and

FURTHER ORDERED that Patent Owner is authorized to file a reply to Petitioner's additional briefing, where Patent Owner's reply shall not exceed seven pages, shall not include any new evidence or argument, and is due no later than April 12, 2016.

PETITIONER:

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PATENT OWNER:

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