

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CARL ZEISS SMT GMBH
Petitioner

v.

NIKON CORPORATION
Patent Owner

Case IPR2013-00363
Patent 7,348,575 B2

Before HOWARD B. BLANKENSHIP, SALLY C. MEDLEY, and
MATTHEW R. CLEMENTS, *Administrative Patent Judges*.

MEDLEY, *Administrative Patent Judge*.

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

A conference call was held on February 28, 2014, involving respective counsel for Petitioner and Patent Owner, and Judges Medley, Blankenship, and Clements. The purpose of the call was for Petitioner to seek authorization to file supplemental information.

In this proceeding, the Board instituted trial as to claims 55–67 of the '575 patent on the following grounds:

1. Claims 55–63 and 65–67 under 35 U.S.C. § 102 as anticipated by Mann;
2. Claim 64 under 35 U.S.C. § 103 as obvious over Mann and Asai.

Petitioner requested leave to file a copy of the Mann application as filed (USSN 10/639,780) with the USPTO on August 12, 2003, to show that the Mann application as published (Exhibit 1110) contained a printing error made by the USPTO.

A party seeking to submit supplemental information more than one month after the date the trial is instituted must request authorization to file a motion to submit the information. The motion must show why the supplemental information reasonably could not have been obtained earlier, and the consideration of the supplemental information would be in the interests of justice. 37 C.F.R. § 42.123(b).

Based on the discussion had, counsel for Petitioner did not provide a reason sufficient to show why Petitioner cannot submit such evidence in connection with a Petitioner Reply to the Patent Owner Response. 37 C.F.R. § 42.23(b). Moreover, counsel for Patent Owner did not object to the filing of such evidence in connection with a Petitioner's Reply. Accordingly, there

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is no need for Petitioner to file a motion for the filing of supplemental information.

For these reasons, it is

ORDERED that Petitioner's request to file a motion to file supplemental information is *denied*.

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