

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CYANOTECH CORPORATION  
Petitioner

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ILLINOIS  
Patent Owner

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Case IPR2013-00404  
Patent 5,527,533

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Before SCOTT E. KAMHOLZ, SHERIDAN K. SNEDDEN, and  
GEORGIANNA W. BRADEN, *Administrative Patent Judges*.

KAMHOLZ, *Administrative Patent Judge*.

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

Case IPR2013-00404  
Patent 5,527,533

The Board conducted a conference call with the parties on October 11, 2013, to discuss Cyanotech's request for leave to file a reply to the University's patent owner preliminary response. Cyanotech argued that the case presents a question of first impression concerning 35 U.S.C. § 315(a) and that the University cited recent decisions that did not exist at the time Cyanotech filed its petition.

Upon consideration of Cyanotech's request, the Board determined that additional briefing prior to the decision on the petition is unnecessary.

Accordingly, it is hereby

ORDERED that Cyanotech is not authorized to file a reply to the patent owner preliminary response.

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