

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOYOTA MOTOR CORPORATION.
Petitioner,

v.

AMERICAN VEHICULAR SCIENCES LLC.
Patent Owner.

Case IPR2013-00417
Patent 8,036,788

Before JAMESON LEE, BARBARA A. PARVIS,
and GREGG I. ANDERSON, *Administrative Patent Judges*.

LEE, *Administrative Patent Judge*.

Order
Conduct of Proceedings
37 C.F.R. § 42.05

Introduction

On December 2, 2013, a conference call was held between respective counsel for the parties and Judges Lee, Parvis, and Anderson. Counsel for Petitioner requested the conference call to seek authorization to file supplemental evidence, i.e., a declaration of a foreign language translator, to support a foreign language document relied on by Petitioner as prior art. The Patent Owner had, in its Preliminary Response, objected to the certification of translation that was provided by Petitioner in support of the English translation of the document.

The Board has not yet determined whether to institute *inter partes* review in this case.

Discussion

During the conference, the Board directed attention of the parties to 37 C.F.R. § 42.64. Any objection to evidence filed during a preliminary proceeding (prior to institution of trial) must be served within ten business days of institution of trial. 37 C.F.R. § 42.64(b)(1). The party relying on evidence to which an objection is timely served may respond to the objection by serving supplemental evidence within ten business days of service of the objection. 37 C.F.R. § 42.64(b)(2). Because the action contemplated by Petitioner is specifically covered by 37 C.F.R. § 42.64(b)(1) and § 42.64(b)(2), the Board instructed the parties to follow the procedure outlined therein.

Order

It is ORDERED that Petitioner's request for authorization to file supplemental evidence prior to institution of trial is *denied*.

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Patent 8,036,788

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