

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BROSE NORTH AMERICA, INC.
and
BROSE FAHRZEUGTEILE GMBH & CO. KG, HALLSTADT,
Petitioner,

v.

UUSI, LLC,
Patent Owner.

Case IPR2014-00416
Patent 8,217,612

Case IPR2014-00417
Patent 7,579,802¹

Before GLENN J. PERRY, HYUN J. JUNG, and GEORGE R. HOSKINS,
Administrative Patent Judges.

PERRY, *Administrative Patent Judge.*

DECISION ON MOTION
Substitutes for Defective Exhibits
37 C.F.R. §42.5

¹ The parties are not authorized to use a combined caption.

IPR2014-00416 and IPR2014-00417
Patent 8,217,612 and Patent 7,579,802

Petitioners move², pursuant to 37 C.F.R § 42.5, to replace Exhibits 1005, 1007, 1008 and 1010 with corrected versions because the originals uploaded with the Petition are defective. Petitioners indicate that Patent Owner does not oppose.

Authorization to file the motion was granted on October 7, 2014. *See* Order Conduct of Proceeding (Oct. 7, 2014) at 2. The exhibits at issue are publicly available U.S. Patents:

Exhibit 1005 - U.S. Pat. No. 8,217,612 (in IPR2014-00416)

Exhibit 1005 - U.S. Pat. No. 7,579,802 (in IPR2014-00417)

Exhibit 1007 - U.S. Pat. No. 4,870,333

Exhibit 1008 - U.S. Pat. No. 4,468,596

Exhibit 1010 - U.S. Pat. No. 6,064,165

Petitioners explain that the originally-filed exhibits were retrieved using Google Patent Search. Petitioners now understand that this resource incorrectly rendered certain Figures within the patents. Specifically, certain lines, portions of lines and other aspects of the Figures were omitted when the patents were printed. The specific defects are detailed in the Motion and will not be repeated here.

Petitioners further explain that the defects were first discovered on September 25, 2014 during preparation for the deposition of Dr. MacCarley and that they immediately took steps to correct the defects. According to Petitioners, correct copies of the defective exhibits were made available to the witness at deposition.

² IPR2014-00416, Paper 21; IPR2014-00417, Paper 27.

IPR2014-00416 and IPR2014-00417
Patent 8,217,612 and Patent 7,579,802

We are satisfied, based on Petitioners' representations, that there has been no harm to Patent Owner resulting from the noted defects and we GRANT the Motion. Exhibits 1005, 1007, 1008, and 1010 as filed with the Petitions on February 6, 2014 will be expunged from the records of these proceedings. Petitioners shall, within 7 days of the entry date of this decision, submit corrected Exhibits labeled "Ex. 1005 (Corrected)," "Ex. 1007 (Corrected)," "Ex. 1008 (Corrected)," and "Ex. 1010 (Corrected)," in each proceeding.

For PETITIONER:

Craig D. Leavell
KIRKLAND & ELLIS LLP
craig.leavell@kirkland.com

Alyse Wu
KIRKLAND & ELLIS LLP
alyse.wu@kirkland.com

Luke L. Dauchot
KIRKLAND & ELLIS LLP
Luke.dauchot@kirkland.com

For PATENT OWNER:

Monte L. Falcoff
HARNESS, DICKEY & PIERCE, P.L.C.
mfalcoff@hdp.com
plloyd@hdp.com

Michael R. Nye
HARNESS, DICKEY & PIERCE, P.L.C.
mnye@hdp.com