

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

FORD MOTOR COMPANY,
Petitioner,

v.

PAICE LLC & THE ABELL FOUNDATION, INC.,
Patent Owner.

Cases¹

IPR2014-01415 (Patent 8,214,097 B2)
IPR2014-01416 (Patent 7,237,634 B2)

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

DESHPANDE, *Administrative Patent Judge*.

CONFERENCE SUMMARY
Conduct of the Proceeding
37 C.F.R. § 42.5

¹ This Order applies to each of the above-listed cases. Although we issue one order to be docketed in each case, the parties are not authorized to use this caption for any subsequent papers.

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On April 8, 2015, the initial conference call was held between counsel for the respective parties and Judges Medley and Deshpande.

Both Petitioner and Patent Owner indicate that Patent Owner has served Petitioner an objection to Ex. 1107² (“Takaoka”) within ten business days of the Decision to Institute (Paper 10, “Dec.”) *inter partes* review, and in response, Petitioner has served supplemental evidence pertaining to Patent Owner’s objection to Patent Owner. *See* 37 C.F.R. § 42.64(b). Petitioner now requests authorization to file a motion to submit supplemental information under 37 C.F.R. § 42.123(a) in the form of a declaration from a librarian regarding the publication date of Takaoka, as suggested in the Decision to Institute (Paper 10, “Dec.”). *See* Dec. 9 n. 7. Patent Owner opposes Petitioner’s request to file supplemental information because 37 C.F.R. § 42.64(b) only requires that the supplemental information be *served* and does not permit Petitioner to *file* the supplemental information. We have taken Petitioner and Patent Owner’s arguments under advisement and authorized (1) Petitioner to file a motion to file supplemental information, with the supplemental information itself, not to exceed three pages in length and due no later than April 15, 2015, and (2) Patent Owner to file an opposition to Petitioner’s motion, not to exceed three pages in length, and due no later than April 22, 2015.

Petitioner further requests authorization to increase the page limit of Petitioner’s Reply to Patent Owner’s Response to twenty-five pages, consistent

²Unless otherwise noted, all citations are to IPR2014-01415.

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with United States Patent & Trademark Office Director Michelle K. Lee's blog.³ Petitioner submits this request for IPR2014-00570, IPR2014-00571, IPR2014-00579, IPR2014-00875, IPR2014-00884, IPR2014-00904, IPR2014-01415, and IPR2014-01416. Patent Owner opposes the increase to the page limit because Patent Owner indicates that the large number of *inter partes* reviews requested by Petitioner and the large number of pages in each of these proceedings creates a special circumstance and Director Lee's changes to the page limits for the Petitioner's Reply should not apply because of this special circumstance. Patent Owner further requests a five page Sur-Reply to Petitioner's Reply because Patent Owner's Response was due before the changes were announced by Director Lee.

We authorize Petitioner's request to increase the page limit to twenty-five pages because the increase of the Petitioner's reply to twenty-five pages is consistent with Director Lee's blog. We do not find any rule, new or old, to authorize Patent Owner's request for a Sur-Reply, and, therefore, we deny Patent Owner's request to file a five page Sur-Reply.

We further remind the parties that, if they seek authorization to file a motion not contemplated per the Scheduling Order, the party requesting such authorization must arrange for a conference call with us and opposing counsel.

Order

It is

ORDERED Petitioner's motion to file supplemental information is granted;

³http://www.uspto.gov/blog/director/entry/ptab_s_quick_fixes_for

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FURTHER ORDERED Petitioner's motion to file supplemental information is to not exceed three pages in length and is due no later than April 15, 2015.

FURTHER ORDERED Patent Owner is authorized to file an opposition to Petitioner's motion to file supplemental information.

FURTHER ORDERED Patent Owner's opposition is to not exceed three pages in length and is due no later than April 22, 2015.

FURTHER ORDERED the page limit to Petitioner's Reply is increased to 25 pages for IPR2014-00570, IPR2014-00571, IPR2014-00579, IPR2014-00875, IPR2014-00884, IPR2014-00904, IPR2014-01415, and IPR2014-01416.

FURTHER ORDERED Patent Owner's request to file a five page Sur-Reply in IPR2014-00570, IPR2014-00571, and IPR2014-00579 is denied.

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