

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VMware, Inc.
Petitioner,

v.

ELECTRONICS AND TELECOMMUNICATIONS RESEARCH INSTITUTE,
Patent Owner.

Case IPR2014-00901
Patent 6,978,346 B2

Before BRIAN J. McNAMARA, MIRIAM L. QUINN, and
GREGG I. ANDERSON, *Administrative Patent Judges*.

QUINN, *Administrative Patent Judge*.

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

On August 19, 2014, the panel held a conference call with counsel for the parties to discuss Patent Owner's request for authorization to file a motion to dismiss the Second Corrected Petition (Paper 8). According to Patent Owner, errors in formatting continued in the corrected petition with the use of single-spaced text that Patent Owner argued constituted block quotes. We heard the parties' arguments and denied Patent Owner's request. The so-called "block quotes" appear to be headings, in this instance. We do not agree with Patent Owner that under 37 C.F.R. § 42.6(a)(2)(iii), which requires double-spaced text except for claim charts, headings, etc., such a formatting choice in the Petition justifies a motion to dismiss the petition.

Order

It is

ORDERED that Patent Owner's request for authorization to file a motion to dismiss the Petition is *denied*.

IPR2014-00901
Patent 6,978,346 B2

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