

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INTERNATIONAL BUSINESS MACHINES CORPORATION and ORACLE
AMERICA, Inc.,
Petitioner,

v.

ELECTRONICS AND TELECOMMUNICATIONS RESEARCH INSTITUTE,
Patent Owner.

Case IPR2014-00949
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*.

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Patent 6,978,346 B2

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