

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.

Case IPR2014-01415
Patent 8,214,097 B2

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

DESHPANDE, *Administrative Patent Judge*.

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

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On April 8, 2015, an initial conference call was held between counsel for the respective parties and Judges Medley and Deshpande. Petitioner requested authorization to file a motion to submit supplemental information pertaining to Patent Owner's objection to the public availability of one of the asserted prior art references in this case, Takaoka.¹ Paper 12. We authorized Petitioner's request to file a motion to submit supplemental information and further authorized Patent Owner to submit an opposition to Petitioner's motion. *Id.*

On April 15, 2015, Petitioner submitted a Motion to Submit Supplemental Information. Paper 13. The content of the supplemental information is the declaration testimony of a Patent and Trademark Resource Center Librarian at the Minneapolis Central Library as to the public availability of Takaoka. Ex. 1127. In the Motion, Petitioner provides an example of a Board decision that permits Petitioner to file supplementing evidence of publication after having demonstrated a reasonable likelihood in prevailing on at least one challenged claim. *See Valeo North America, Inc. v. Magna Electronics, Inc.*, IPR2014-01208, Paper 23 (PTAB Mar. 9, 2015). On April 22, 2015, Patent Owner indicated that it does not oppose Petitioner's Motion to Submit Supplemental Information. Paper 14, 1.

Although the *Valeo* decision is not precedential, we find it instructive and on point to the facts of this case. Both parties appear to agree. Based on the record before us, we grant Petitioner's Motion to Submit Supplemental Evidence (Ex. 1127) under 37 C.F.R. 42.123(a)(2).

¹T. Takaoka et al., *A High-Expansion Ratio Gasoline Engine for the Toyota Hybrid System*, Toyota Technical Review, vol. 47, no. 2 (Apr. 1998) (Ex. 1107).

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Order

It is
ORDERED that Petitioner's Motion to File Supplemental Information is
granted.

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