

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS, INC., TOSHIBA CORP., VIZIO, INC., and
HULU, LLC,
Petitioner,

v.

STRAIGHT PATH IP GROUP, INC.,
Patent Owner.

Case IPR2015-00198
Patent 6,009,469

Before KALYAN K. DESHPANDE, TRENTON A. WARD, and
BART A. GERSTENBLITH, *Administrative Patent Judges*.

GERSTENBLITH, *Administrative Patent Judge*.

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

On November 5, 2014, Petitioner requested permission to expunge Exhibit 1002 (Declaration of Bruce M. Maggs, Ph.D.) and replace it with a corrected version. Petitioner explained that it incorrectly filed Dr. Maggs' Declaration from a different *inter partes* review in this proceeding.

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Petitioner attached the document it seeks to file in lieu of current Exhibit 1002 to its November 5th email to the Board. That document is also a Declaration of Bruce M. Maggs, Ph.D., but is directed to U.S. Patent No. 6,009,469, which is at issue in this proceeding.

When asked for Patent Owner's position, Petitioner provided the following quoted statement as Patent Owner's response on November 11, 2014:

The patent owner does not object to the petitioners completing the petition by filing the correct exhibit, but the patent owner contends that the petition is currently incomplete under 35 U.S.C. § 312(a)(3)(B), and should not be accorded a filing date until the petitioners file the correct exhibit. *See* 37 C.F.R. § 42.106.

Petitioner has not indicated whether it is amenable to Patent Owner's position regarding the filing date.

Accordingly, it is:

ORDERED that Petitioner is authorized to file a motion to correct in accordance with 37 C.F.R. § 42.104(c);

FURTHER ORDERED that any such motion to correct must be filed by Friday, December 5, 2014; and

FURTHER ORDERED that Patent Owner may file a response, if any, to Petitioner's motion by Friday, December 12, 2014.

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