

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RUBICON COMMUNICATIONS, LP,
Petitioner,

v.

LEGO A/S,
Patent Owner.

Case IPR2016-01187
Patent 8,894,066 B2

Before SCOTT A. DANIELS, NEIL T. POWELL, and
TIMOTHY J. GOODSON, *Administrative Patent Judges*.

POWELL, *Administrative Patent Judge*.

ORDER
CONDUCT OF THE PROCEEDING
37 C.F.R. § 42.5

On September 20, 2016, Lego A/S (“Patent Owner”) filed its Preliminary Response (Paper 18). After filing the Preliminary Response, Patent Owner contacted us via email later on September 20, 2016 regarding certain errors that occurred in connection with the filing. Specifically, Patent Owner indicated that a document it had intended to file as Exhibit 2001 was filed as Paper 19, but bearing an indication that it was Exhibit 2001. Patent Owner requested authorization to refile this document as Exhibit 2010 and to file a corrected version of its Preliminary Response, edited to correct for the change in exhibit numbers. Patent Owner represented that Petitioner (Rubicon Communications, LP) did not oppose Patent Owner’s request.

Via email on September 21, 2016, we authorized Patent Owner to proceed with the requested filings. Later on September 21, 2016, Patent Owner filed a Corrected Preliminary Response (Paper 20), as well as Exhibit 2010.

The due date for Patent Owner to file its Preliminary Response was September 20, 2016. *See* Paper 3, 1–2. Under the circumstances described above, however, we determine that consideration of Patent Owner’s Corrected Preliminary Response and Exhibit 2010 would be in the interests of justice. *See* 37 C.F.R. § 42.5(c)(3). Accordingly, Patent Owner’s late filing is excused, such that Patent Owner’s Corrected Preliminary Response and Exhibit 2010 are deemed filed timely and will be considered on the merits. *See id.*

Based on the foregoing, it is hereby

ORDERED that Patent Owner’s Corrected Preliminary Response and Exhibit 2010 are deemed filed timely and will be considered on the merits;

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and

FURTHER ORDERED that Paper 19 is expunged.

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