

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GENERAL PLASTIC INDUSTRIAL CO., LTD.
Petitioner,

v.

CANON KABUSHIKI KAISHA
Patent Owner.

Case IPR2016-01357 (Patent 9,046,820 B1)¹
Case IPR2016-01358 (Patent 9,046,820 B1)
Case IPR2016-01359 (Patent 8,909,094 B2)
Case IPR2016-01360 (Patent 8,909,094 B2)
Case IPR2016-01361 (Patent 8,909,094 B2)

Before SHEILA F. McSHANE, *Administrative Patent Judge*.

McSHANE, *Administrative Patent Judge*.

ORDER
Conduct of Proceeding
37 C.F.R. §§ 42.5, 108(c)

¹ The parties are not authorized to use this caption in any other filings.

IPR2016-01357 (Patent 9,046,820 B1)
IPR2016-01358 (Patent 9,046,820 B1)
IPR2016-01359 (Patent 8,909,094 B2)
IPR2016-01360 (Patent 8,909,094 B2)
IPR2016-01361 (Patent 8,909,094 B2)

I. DISCUSSION

On September 8, 2016, in an email communication, Petitioner requested leave under 37 C.F.R. § 108(c) to file a five-page reply to the Patent Owner's Preliminary Response in each of these cases. In that communication, Petitioner referred to certain portions of the Preliminary Response that requested denial of the Petition under 35 U.S.C. §§ 314(a), 324(a), and 325(d). Petitioner requested leave to file a reply limited to that issue. On September 9, 2016, Patent Owner advised the Board by email that it opposes Petitioner's request.

After due consideration of the matter, and the Board's recognition of the case-dispositive nature of the issues, we authorize the filing of a Reply to the Preliminary Response, limited to five pages, and strictly limited in scope to the issues identified in the September 8, 2016 communication. Petitioner may file the Reply in each of the cases. No new, additional issues nor evidence or argument related to any new issues shall be included. A five-page Sur-Reply from Patent Owner is also authorized, and is limited to the issues addressed in Petitioner's Reply to the Preliminary Response.

II. ORDER

Accordingly, it is

ORDERED that Petitioner is granted leave to file a Reply to the Preliminary Response;

IPR2016-01357 (Patent 9,046,820 B1)
IPR2016-01358 (Patent 9,046,820 B1)
IPR2016-01359 (Patent 8,909,094 B2)
IPR2016-01360 (Patent 8,909,094 B2)
IPR2016-01361 (Patent 8,909,094 B2)

FURTHER ORDERED that the Reply will be limited to five pages, and shall only address the argument raised in the Preliminary Response that the Petition should be denied under 35 U.S.C. §§ 314(a), 324(a), and 325(d).

FURTHER ORDERED that the same Reply may be filed in each of Cases IPR2016-01357, IPR2016-01358, IPR2016-01359, IPR2016-01360, and IPR2016-01361;

FURTHER ORDERED that the Reply is due no later than September 21, 2016;

FURTHER ORDERED that Petitioner's Reply may not introduce new, additional issues beyond those mentioned in its September 8, 2016, email communication to the Board, nor introduce evidence or argument related to new any issues; and

FURTHER ORDERED that a five-page Sur-Reply by Patent Owner may be filed by September 28, 2016, limited to issues addressed in Petitioner's Reply to the Preliminary Response.

IPR2016-01357 (Patent 9,046,820 B1)
IPR2016-01358 (Patent 9,046,820 B1)
IPR2016-01359 (Patent 8,909,094 B2)
IPR2016-01360 (Patent 8,909,094 B2)
IPR2016-01361 (Patent 8,909,094 B2)

For PETITIONER:

Steven F. Meyer
Tim Tingkang Xia
LOCKE LORD LLP
smeyer@lockelord.com
txia@lockelord.com

For PATENT OWNER:

Edmund J. Haughey
Michael Sandonato
Justin J. Oliver
FITZPATRICK, CELLA, HARPER & SCINTO
canon820ipr@fchs.com