

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

CALIFORNIA INSTITUTE OF TECHNOLOGY,
Patent Owner.

Cases IPR2017-00210 and IPR2017-00219¹
Patent 7,116,710 B1

Before KEN B. BARRETT, TREVOR M. JEFFERSON, and
JOHN A. HUDALLA, *Administrative Patent Judges*.

JEFFERSON, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding and
Authorizing Motion to File Supplemental Information
37 C.F.R. §§ 42.5 and 42.123

¹ This order addresses issues that are the same in the identified cases. We exercise our discretion to issue one order to be filed in each case. The parties are not authorized to use this style of heading.

On July 26, 2017, an initial conference call with counsel for Petitioner, Apple, Inc., and counsel for Patent Owner, California Institute of Technology, was held with Judges Barrett, Jefferson, and Hudalla, to address Petitioner's request to file a motion to submit supplemental information pursuant to 37 C.F.R. § 42.123.

Petitioner seeks to submit supplemental information related to prior art references in accordance with Section 42.123. Petitioner indicated that certain of its intended supplemental information has already been served upon Patent Owner as supplemental evidence under 37 C.F.R. § 42.64(b)(2). Patent Owner opposes Petitioner's request to submit supplemental information.

Having heard from the parties on this issue, we authorize Petitioner to file a Motion to File Supplemental Information pursuant to 37 C.F.R. § 42.123, no later than August 4, 2017. Petitioner shall identify each item of its intended supplemental information that has already been served as supplemental evidence under Section 42.64(b)(2) and explain how it is also supplemental information under Section 42.123. Petitioner's motion shall not exceed 12 pages. We also authorize Patent Owner to file an Opposition to Petitioner's Motion, also not to exceed 12 pages, no later than August, 11, 2017. No reply is authorized.

Accordingly, it is:

ORDERED that Petitioner is authorized to file a Motion to File Supplemental Information as discussed herein, no later than August 4, 2017; and

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FURTHER ORDERED that Patent Owner is authorized to file an Opposition to Petitioner's Motion to File Supplemental Information, no later than August 11, 2017.

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