

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 IPR2017-00219 (Patent 7,116,710 B1)
Case IPR2017-00297 (Patent 7,916,781 B2)¹

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

HUDALLA, *Administrative Patent Judge*.

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

On February 23, 2018, Petitioner sent an email to Trials@uspto.gov requesting permission to file a “short declaration” from James A. Davis,

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.

IPR2017-00210, IPR2017-00219 (Patent 7,116,710 B1)
IPR2017-00297 (Patent 7,916,781 B2)

Ph.D., in IPR2017-00210, IRP2017-00219, and IPR2017-00297. Petitioner represents that “[t]he purpose of this declaration is to respond to the Patent Owner’s statements during the call with the Board on Feb. 15, 2018 suggesting Dr. Davis did not submit reply declarations for reasons other than his unavailability.” Petitioner also represents that it has already filed the same declaration in IPR2017-00700 (as Ex. 1073), IPR2017-00701 (as Ex. 1173), and IPR2017-00728 (as Ex. 1273). Petitioner states that filing the additional Davis declaration in the instant cases would “complete the record and maintain consistency across the cases.”

Petitioner states that Patent Owner does not object to Petitioner’s request to file the declaration in these cases. Notwithstanding, Petitioner states that Patent Owner requests a one-page extension (from 7 to 8 pages) of its forthcoming sur-replies in these cases to address the additional Davis declaration. We authorized the filing of these sur-replies by our Order of February 20, 2018. *See, e.g.*, IPR2017-00210, Paper 51. Petitioner does not object to this extension.

Under these circumstances, we find good cause to grant Petitioner’s request to file the additional Davis declaration in IPR2017-00210, IRP2017-00219, and IPR2017-00297. *See* 37 C.F.R. § 42.5. We also find good cause to grant Patent Owner a one-page extension of its forthcoming sur-replies in these cases to address the additional Davis declaration. No conference call is necessary at this time.

IPR2017-00210, IPR2017-00219 (Patent 7,116,710 B1)
IPR2017-00297 (Patent 7,916,781 B2)

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's request for authorization to file an additional declaration from James A. Davis, Ph.D., in each of these cases is *granted*; and

FURTHER ORDERED that Patent Owner's request for a one-page extension (from 7 to 8 pages) of its forthcoming sur-replies in each of these cases is *granted*.

IPR2017-00210, IPR2017-00219 (Patent 7,116,710 B1)
IPR2017-00297 (Patent 7,916,781 B2)

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