

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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KINGSTON TECHNOLOGY COMPANY, INC.,  
Petitioner,

v.

POLARIS INNOVATIONS LTD.,  
Patent Owner.

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Case IPR2017-00974  
Patent 6,850,414 B2

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Before SALLY C. MEDLEY and MATTHEW R. CLEMENTS,  
*Administrative Patent Judges.*

CLEMENTS, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceedings  
*37 C.F.R. § 42.5*

On October 5, 2017, a teleconference was held in related cases—IPR2016-01621, IPR2016-01622, and IPR2016-01623—between counsel for Petitioner, counsel for Patent Owner, and Judges Medley, Homere, and Clements. On that call, Petitioner presented additional arguments in support of its pending Request for Rehearing (Paper 9) in light of the Federal Circuit’s recent decision in *Aqua Products, Inc. v. Matal*, No. 2015-1177, 2017 WL 4399000 (Fed. Cir. Oct. 4, 2017) (“*Aqua Products*”). Petitioner requested that we grant the Request for Rehearing and consolidate it with IPR2016-01622, or at least coordinate the schedules so that the patentability of claim 4 of the ’414 patent (which would be at issue in this proceeding) and the patentability of proposed substitute claim 9 (at issue in IPR2016-01622, and including the same limitation as claim 4) can be decided concurrently. Patent Owner objected to the arguments because, *inter alia*, Petitioner had not previously met and conferred with Patent Owner on the subject.

We interpret Petitioner’s arguments as a request for additional briefing in support of its pending Request for Rehearing. We are not persuaded, however, that additional briefing is warranted in light of *Aqua Products*. We will issue a Decision on the Request for Rehearing in due course.

#### ORDER

Accordingly, it is

ORDERED that Petitioner’s request for authorization for additional briefing is *denied*.

IPR2017-00974  
Patent 6,850,414 B2

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