

From: [Trials](#)
To: [Harp, Jason G.](#); [Trials](#)
Cc: [Hartman, Stacie](#); [Noll, Steven](#); [Rammer, Thomas A.](#); "[garret.leach@kirkland.com](#)"; "[eric.hayes@kirkland.com](#)"; "[eugene.goryunov@kirkland.com](#)"; "[kyle.kantarek@kirkland.com](#)"
Subject: RE: Technical Consumer Products v. Lighting Science Group; IPR2017-01285
Date: Wednesday, November 22, 2017 11:02:59 AM

Counsel,

The panel has convened and is not persuaded that the changes contemplated by Petitioner are directed to fixing typographical errors, as covered by 37 C.F.R. 42.5(a).

Regards,

Andrew Kellogg,
Supervisory Paralegal
Patent Trial and Appeal Board
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From: Harp, Jason G. [mailto:JHarp@schiffhardin.com]
Sent: Tuesday, November 21, 2017 4:36 PM
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Subject: Technical Consumer Products v. Lighting Science Group; IPR2017-01285

Dear Board,

We represent Petitioners in IPR2017-01285 and write to request permission to file a motion under 37 C.F.R. § 42.104(c) to correct the petition and to modify the institution decision in that proceeding under 37 C.F.R. § 42.5(a). If authorized, the motion would relate to Grounds III and VI in the petition addressing invalidity of dependent claim 10 of the '518 patent. The Board instituted review of independent claim 1, from which claim 10 depends. Specifically, we are seeking permission to file a substitute petition and declaration of Dr. Coleman that make the reference to the Wegner prior art in Grounds III and VI more explicit. The changes would amount to no more than adding the word "Wegner" to those two grounds and to corresponding portions of Dr. Coleman's declaration. Our motion also would seek modification of the Board's decision not to institute review of claim 10 in light of the corrected Grounds III and VI. Patent owner opposes this motion.

Best regards,
Jason

Jason G. Harp

Counsel

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