

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VISIONSENSE CORP.,
Petitioner,

v.

NOVADAQ TECHNOLOGIES INC.,
Patent Owner.

Case IPR2017-01426
Patent 8,892,190 B2

Before HYUN J. JUNG, MICHAEL L. WOODS, and
AMANDA F. WIEKER, *Administrative Patent Judges*.

JUNG, *Administrative Patent Judge*.

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

Petitioner filed a “Declaration of David J. Langer, M.D.” as a paper, rather than as an exhibit. *See* Paper 2. In accordance with our rules, “[a]ll evidence must be filed in the form of an exhibit.” 37 C.F.R. § 42.63(a); *see also* 37 C.F.R. § 42.6 and Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,758 (Aug. 14, 2012). Also, the filed evidence does not comply with our requirements regarding, for example, exhibit numbers, trial numbers, and page numbers. *See* 37 C.F.R. § 42.63(d).

Based on an initial review of the Petition, refileing the declaration as an exhibit and refileing the exhibits in accordance with our rules would not require changing citations in the Petition.

Finally, Paper 1 appears to be only the caption page for an attempted filing of a petition on May 11, 2017. *See also* Paper 4 (corrected Petition filed on May 22, 2017); Paper 5 (Notice according filing date of May 22, 2017 to the corrected Petition).

Accordingly, it is

ORDERED that Petitioner refile the “Declaration of David J. Langer, M.D.” as an exhibit in accordance with our rules; and

FURTHER ORDERED that Petitioner refile its exhibits in accordance with 37 C.F.R. § 42.63 within one week of the date of this Order, along with a certification filed as a paper confirming that the exhibits have been refiled with no changes other than those required by our rules.

After the exhibits have been refiled satisfactorily, the Board will expunge Paper 2, the originally filed exhibits, and Paper 1.

IPR2017-01426
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