

**UNITED STATES PATENT AND TRADEMARK OFFICE**

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**BEFORE THE PATENT TRIAL AND APPEAL BOARD**

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UNIFIED PATENTS INC.  
*Petitioner,*

v.

UNIVERSAL SECURE REGISTRY LLC  
*Patent Owner*

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Case IPR2018-00067  
U.S. Patent No. 8,577,813

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**PATENT OWNER'S OPPOSITION TO PETITIONER'S MOTION  
TO FILE A CORRECTED PETITION UNDER 37 C.F.R. § 42.104(c)**

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## I. INTRODUCTION

37 C.F.R. § 42.104(c) allows for corrections of only “clerical or typographical” errors without affecting the petition’s filing date. As this Board has held, an error is not clerical or typographical merely because it was inadvertent. The error United Patents Inc. (“UP”) seeks to correct here—even if unintentional—is a substantive and prejudicial error lacking any of the hallmarks of a “clerical or typographical” error: It affects the very ground of invalidity being asserted against four claims; it is integrated throughout UP’s original submission (and thus is not merely a “cut and paste” error); it was reviewed multiple times over nearly two weeks and approved *by lead counsel*; and Patent Owner (“PO”) reasonably relied—to its prejudice—on the error in preparing its Preliminary Response before UP sought to correct its error. Precedent and the legislative history are clear that such substantive errors cannot be excused under 37 C.F.R. § 42.104(c); rather, they can only be corrected in a new petition. The Board should deny UP’s motion.

## II. PETITIONER SEEKS TO ALTER THE GROUNDS OF THE PETITION, NOT TO CORRECT MERE CLERICAL ERRORS

37 C.F.R. § 42.104(c) permits a petitioner to file a motion to correct “a clerical or typographical mistake in the petition” without affecting the petition’s filing date. “The standard for excusing a filing error under 37 C.F.R. § 42.104(c) is not mere unintentionality or inadvertence, but instead requires a showing that a ‘clerical or typographical mistake’ occurred.” *Zhongshan Broad Ocean Motor Co., Ltd. v.*

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