

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

L'OREAL USA, INC.
Petitioner

v.

UNIVERSITY OF MASSACHUSETTS
Patent Owner

IPR2018-00778
Patent No. 6,423,327

**PATENT OWNER'S UNOPPOSED MOTION FOR
DISTRICT COURT-TYPE CLAIM CONSTRUCTION
IN ACCORDANCE WITH 37 C.F.R. § 42.100(b)**

I. AUTHORIZATION AND RELIEF REQUESTED

Patent Owner University of Massachusetts requests, pursuant to 37 C.F.R. § 42.100(b), that a district court-type claim construction provided by *Phillips v. AWH Corp.*, 415 F.3d 1303 (Fed. Cir. 2005) be applied in this proceeding.

On April 13, 2018, Petitioner's counsel indicated that Petitioner does not oppose this Motion. This Motion is being timely filed subsequent to Petitioner's purported service of the Petition on March 15, 2018.

On April 13, 2018, by email, the Board authorized the filing of this Motion.

II. CERTIFICATION

Patent Owner certifies that U.S. Patent No. 6,423,327 (the "'327 Patent") will expire within 18 months from entry of the Notice of Filing Date Accorded to Petition. The Notice of Filing Date Accorded to Petition, Paper 3, was entered on March 21, 2018. The '327 Patent expires on October 26, 2018.

Dated: April 16, 2018

Respectfully submitted,

/Matthew A. Ambros/

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AMENDED CERTIFICATE OF SERVICE

Pursuant to 37 CFR §§42.6(e)(4) and 42.205(b), the undersigned certifies that on April 16, 2018, a complete and entire copy of the foregoing document was filed with the Patent Trial and Appeal Board through the Board's E2E system and provided via email to the Petitioner as follows:

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Due to a technical issue with the original filing, the forgoing document is being re-filed and served by email as indicated above, on April 27, 2018, which counsel for Petitioner has indicated Petitioner does not oppose.

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