

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE, LLC,
Petitioner,

v.

AGIS SOFTWARE DEVELOPMENT, LLC,
Patent Owner.

IPR2018-01079 (8,213,970)
IPR2018-01081 (9,445,251)
IPR2018-01082 (9,445,251)
IPR2018-01085 (9,467,838)¹

Before TREVOR M. JEFFERSON, DANIEL J. GALLIGAN, CHRISTA P. ZADO, KEVIN C. TROCK, and FREDERICK C. LANEY, *Administrative Patent Judges*.

ZADO, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. § 42.5
37 C.F.R. § 42.108(c)

¹ The parties are not authorized to use this style of caption.

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On September 4, 2018, Google, LLC (“Petitioner”) sent an e-mail to the Board seeking a conference call to discuss its request to file a reply to AGIS Software Development, LLC’s (“Patent Owner”) Preliminary Response in the above-captioned proceedings. Patent Owner opposes Petitioner’s request. On September 6, 2018, a conference call was held with counsel for the parties and Judges Galligan, Zado, and Laney to discuss the request.

In the Preliminary Response, Patent Owner asserts Petitioner has not satisfied its duty of candor under 37 C.F.R. § 42.11 and § 11.18(b)(2) on grounds that Petitioner and its real parties in interest “have knowingly advanced conflicting” claim constructions in district court. *See, e.g.*, IPR2018-01079, Paper 6, 20. Patent Owner argues the Board should therefore deny the Petition “in its entirety.” *Id.* at 24. Petitioner seeks authorization to file a five-page reply.

We determine that under the circumstances presented here, good cause exists, and we, therefore, authorize Petitioner to file a reply in these proceedings. *See* 37 C.F.R. § 42.108(c).

It is

ORDERED that Petitioner’s request to file a reply under 37 C.F.R. § 42.108(c) to Patent Owner’s Preliminary Response, is *granted*;

FURTHER ORDERED that the reply is not to exceed three (3) pages, and must be filed no later than September 19, 2018; and

FURTHER ORDERED that the reply is limited to addressing assertions and arguments in the Preliminary Response relating to the

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requirements of 37 C.F.R. § 42.11 and § 11.18(b)(2), and Petitioner's duty of candor.

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