

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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RIMFROST AS,  
Petitioner,

v.

AKER BIOMARINE ANTARCTIC AS,  
Patent Owner.

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Case IPR2018-01178  
Case IPR2018-01179  
Patent 9,375,453 B2

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Before ERICA A. FRANKLIN, TINA E. HULSE, and  
JOHN E. SCHNEIDER, *Administrative Patent Judges*.

FRANKLIN, *Administrative Patent Judge*.

ORDER  
Conduct of Proceeding  
37 C.F.R. §§ 42.5, 42.121(a)

IPR2018-01178  
IPR2018-01179  
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On March 29, 2019, a conference call was held among counsel for the parties and Judges Franklin, Hulse, and Schneider to discuss general guidance for motions to amend.

We explained that the requirements for a motion to amend are set forth in 37 C.F.R. § 42.121. We referred the parties to that rule and to the Memorandum re: Guidance on Motions to Amend in view of *Aqua Products* (Nov. 21, 2017) (available at [https://www.uspto.gov/sites/default/files/documents/guidance\\_on\\_motions\\_to\\_amend\\_11\\_2017.pdf](https://www.uspto.gov/sites/default/files/documents/guidance_on_motions_to_amend_11_2017.pdf)).

We also referred the parties to additional guidance on motions to amend discussed in the following cases: *Lectrosonics, Inc. v Zaxcom, Inc.*, Case IPR2018-01129, 01130 (PTAB February 25, 2019) (Paper 15) (precedential), and *Amazon.com, Inc. v. Uniloc Luxembourg S.A.*, Case IPR2017-00948 (PTAB Jan. 18, 2019) (Paper 34) (precedential).

Furthermore we explained, as set forth in 37 C.F.R. § 42.24, that Patent Owner's motion to amend and Petitioner's opposition are each limited to twenty-five pages. 37 C.F.R. §§ 42.24(a)(1)(vi), 42.24(b)(3). Patent Owner's reply and Petitioner's sur-reply are limited to twelve pages. *Id.* § 42.24(c)(3). Pursuant to the Scheduling Order, the papers are currently due on April 15, July 15, August 14, and September 16, 2019, respectively. Paper 8. If the parties wish to stipulate to different deadlines, the parties may do so. *Id.* at 1 ("The parties may stipulate to different dates for DUE DATES 1 through 5 (earlier or later, but no later than DUE DATE 6).").

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In consideration of the foregoing, it is hereby:

ORDERED that the conference requirement under 37 C.F.R.  
§ 42.121(a) is hereby satisfied.

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