

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

COOK INC., COOK GROUP INC., and COOK MEDICAL LLC,
Petitioner,

v.

MEDTRONIC, INC.,
Patent Owner.

Case IPR2019-00123
Patent 6,306,141 B1

Before JAMESON LEE, KEN B. BARRETT, and JAMES A. TARTAL,
Administrative Patent Judges.

BARRETT, *Administrative Patent Judge.*

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

IPR2019-00123
Patent 6,306,141 B1

We received from Petitioner an email dated March 21, 2019, stating, in pertinent part:

We represent the Petitioner in IPR2019-00123. We request authorization from the Board to file a 5-page reply to the Patent Owner's preliminary response dated March 13, 2019. The reply would be limited to replying to the Patent Owner's arguments regarding 35 U.S.C. §§ 314 and 325, and secondary considerations. Patent Owner opposes this request.

The email also includes dates and times when the parties would be available to discuss this request with the Board.

We see no need to hold—at this time—a conference call with the parties regarding this request. However, before ruling on Petitioner's request, we wish to receive and consider the basis for Patent Owner's opposition to the requested reply. To that end, we authorize Patent Owner to file, within two business days of the date of this Order, a brief of not more than two pages and addressing only the basis for its opposition of Petitioner's request for authorization to file a reply to the Patent Owner's Preliminary Response.

It is so ORDERED.

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For PETITIONER:

Dominic P. Zanfardino
Jeffrey M. Nichols
Jason W. Schigelone
BRINKS GILSON & LIONE
dzanfardino@brinksgilson.com
jnichols@brinksgilson.com
jschigelone@brinksgilson.com

For PATENT OWNER:

James L. Davis, Jr.
Andrew N. Thomases
Gabrielle E. Higgins
ROPES & GRAY LLP
james.l.davis@ropesgray.com
andrew.thomases@ropesgray.com
gabrielle.higgins@ropesgray.com
MedtronicIPRService@ropesgray.com