

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLOOMREACH, INC.,
Petitioner,

v.

GUADA TECHNOLOGIES LLC,
Patent Owner.

IPR2019-01304
Patent 7,231,379

Before MIRIAM L. QUINN, KIMBERLY McGRAW, and
MATTHEW J. McNEILL, *Administrative Patent Judges*.

McNEILL, *Administrative Patent Judge*.

ORDER

Denying Petitioner's Request to File a Reply
to Patent Owner's Preliminary Response
37 C.F.R. § 42.5

On November 4, 2019, the Board received an email from Petitioner requesting authorization to file a reply to Patent Owner's Preliminary Response (Paper 6, "Prelim. Resp."). Petitioner requested authorization to respond to Patent Owner's proposed constructions and related arguments regarding the phrases "jumping to the at least one node," "jumping to the

vertex,” and “jumping.” Petitioner’s email indicated Patent Owner opposes Petitioner’s request.

In the Petition (Paper 1, “Pet.”), Petitioner proposed a construction for the term “jumping,” but did not propose explicit constructions for “jumping to the at least one node” or “jumping to the vertex.” *See* Pet. 10–15. In Patent Owner’s Preliminary Response, Patent Owner proposed the same construction for “jumping” as Petitioner. Prelim. Resp. 2 n.1. Patent Owner also proposed explicitly construing “jumping to the [at least one node/vertex]” to mean “the system jumping to the [at least one node/vertex].” *Id.*

On November 18, 2019, Judges McNeill, McGraw, and Quinn initiated a conference call regarding Petitioner’s request. On the line for Patent Owner was Isaac Rabicoff. Petitioner failed to attend the scheduled conference call.

Although Board rules do not specifically authorize a reply to a Patent Owner’s Preliminary Response, a Petitioner may seek leave to file such a reply, and any such request must make a showing of good cause. 37 C.F.R. § 42.108(c). Based on the totality of the circumstances, we are not persuaded that Petitioner has shown good cause for filing a reply to Patent Owner’s Preliminary Response.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner’s Request for Authorization to File a Reply to Patent Owner’s Preliminary Response is *denied*.

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PETITIONER:

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