

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BAYERISCHE MOTOREN WERKE, AKTIENGESELLSCHAFT &
BMW OF NORTH AMERICA, LLC,
Petitioner,

v.

PAICE LLC & THE ABELL FOUNDATION, INC.,
Patent Owner.

IPR2020-00994
Patent 7,104,347 B2

Before SALLY C. MEDLEY, KALYAN K. DESHPANDE, and
ARTHUR M. PESLAK, *Administrative Patent Judges*.

PESLAK, *Administrative Patent Judge*.

DECISION

Granting Petitioner's Motion to File Corrected Petition (Paper 9)
37 C.F.R. § 42.104(c)

On July 31, 2020, Petitioner filed a Motion to File a Corrected Petition pursuant to 37 C.F.R. § 42.104(c). Paper 9 (“Mot.”). Petitioner represents that Patent Owner does not oppose the Motion. Mot. 2.

Our rules provide that “[a] motion may be filed that seeks to correct a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition.” 37 C.F.R. § 42.104(c) (2019). Petitioner submits that a clerical mistake appears on page 22 of the Petition. Mot. 2. In particular, Petitioner points out that an incorrect figure appears on that page. *Id.* The Petition cites to Figure 2 of U.S. Patent 6,188,945 B1 to Graf which is entered into the record as Exhibit 1020. Pet. 22. Petitioner states that the clerical error is that the drawing reproduced is not from Exhibit 1020 but is from Graf’s UK counterpart application. Mot. 2. We reviewed Figure 2 from Exhibit 1020 and it is substantially the same as the drawing appearing on page 22 of the Petition.

For the foregoing reasons and for good cause shown, we grant Petitioner’s Motion to File a Corrected Petition replacing the drawing on page 22 of the Petition with the Figure 2 from Exhibit 1020.

Accordingly, it is:

ORDERED that Petitioner’s Motion to File a Corrected Petition to correct a clerical mistake is *granted*; and

IT IS FURTHER ORDERED that Petitioner shall file a Corrected Petition in accordance with this Order within 7 days of the entry of this Order.

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