

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

YITA LLC,
Petitioner,

v.

MACNEIL IP LLC,
Patent Owner.

IPR2020-01139 (Patent 8,382,186 B2)
IPR2020-01142 (Patent 8,833,834 B2)¹

Before MITCHELL G. WEATHERLY, JAMES A. WORTH,
MICHAEL L. WOODS, and ARTHUR M. PESLAK, *Administrative Patent
Judges.*

WOODS, *Administrative Patent Judge.*

CONDUCT OF THE PROCEEDING
Authorizing Motion to Submit Supplemental Information
37 C.F.R. §§ 42.5, 42.123

¹ This Order applies to both proceedings. The parties are not authorized to use this heading without express permission from the Board.

IPR2020-01139 (Patent 8,382,186 B2)

IPR2020-01142 (Patent 8,833,834 B2)

On June 2, 2021, Patent Owner contacted the Board via e-mail requesting authorization to file a motion to submit supplemental information (“Motion”).

A conference call was held between the parties and the panel on June 7, 2021, to discuss Patent Owner’s request. In the e-mail and during the call, Patent Owner explained that the information sought to be submitted consists of several exhibits that have been served as supplemental evidence in response to Petitioner’s objections to those exhibits.

Petitioner opposed Patent Owner’s request and sought permission to file an opposition to the Motion, if filed.

37 C.F.R. § 42.123(b) provides,

(b) Late submission of supplemental information. A party seeking to submit supplemental information more than one month after the date the trial is instituted, must request authorization to file a motion to submit the information. The motion to submit supplemental information must show why the supplemental information reasonably could not have been obtained earlier, and that consideration of the supplemental information would be in the interests-of-justice.

We grant Patent Owner’s request. Patent Owner is authorized to file the Motion under Rule 42.123(b). Petitioner is authorized to file an opposition to the Motion.

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ORDER

It is ORDERED that,

Patent Owner may file, on or before June 10, 2021, a motion to submit supplemental information, not to exceed 15 pages; and

Petitioner may file, no later than fourteen calendar days from Patent Owner's motion, an opposition, not to exceed 15 pages.

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