

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BANK OF AMERICA, N.A.  
Petitioner,

v.

NANT HOLDINGS IP, LLC,  
Patent Owner.

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IPR2021-01080  
Patent 8,463,030 B2

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Before SALLY C. MEDLEY, THOMAS L. GIANNETTI, and  
STEPHEN E. BELISLE, *Administrative Patent Judges*.

GIANNETTI, *Administrative Patent Judge*.

ORDER

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

I. BACKGROUND

Bank of America, N.A. ("Petitioner") filed a petition seeking *inter partes* review of U.S. Patent No. 8,463,030 B2. Paper 1. With Board authorization, Petitioner filed a motion to correct clerical errors in its petition and to file a corrected petition. Paper 7 ("Motion"). Petitioner represents that the Motion is unopposed. Motion 2, 7.

Petitioner contends that “[n]o new prior art or new substance is being added” by the corrections. Motion 1. Petitioner further contends “there are no material changes to the analysis within the Petition.” *Id.* Further, Petitioner contends “since Petitioner’s proposed correction will not change the substance of the analysis within the Petition, the Patent Owner is not required to do any additional analysis on the merits, or otherwise, in its preliminary response once these errors are corrected.” *Id.*

Petitioner provides a summary of the proposed corrections at pages 2–5 of the Motion. Petitioner explains that “[t]he errors are based on incorrect dates of certain docket entries or procedural events in the district court proceeding, incomplete or incorrect supporting citations, and minor typographical errors.” Motion 5. Petitioner further explains that “[t]he proposed changes correct the errors for clarity.” *Id.* Petitioner provides an explanation for each of the proposed changes. *Id.* at 6.

## II. DISCUSSION

Under 37 C.F.R. § 104(c), “[a] motion may be filed that seeks to correct a clerical or typographical mistake in the petition.” Further, “[t]he moving party has the burden of proof to establish that it is entitled to the requested relief.” 37 C.F.R. § 42.20 (c).

We determine that Petitioner has demonstrated sufficiently that the Motion should be granted. First, the errors appear to be clerical or typographical. Motion 6. For example, two involve incorrect dates for docket entries. *Id.* at 3. Several others involve incorrect or incomplete citations for which the context suggests the correct information. *Id.* at 4–5. Others involve minor misquotations or misspellings. *Id.* at 3, 5.

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Petitioner demonstrates that it acted diligently in seeking authorization to make the corrections. *See* Motion 2. Moreover, it does not appear that the proposed corrections will add new prior art or substantive arguments to the Petition or appreciably increase its length. *Id.* at 7. We find that Petitioner has carried its burden of showing that the Motion should be granted.

### III. ORDER

It is, therefore,

ORDERED that Petitioner's Motion is *granted*;

FURTHER ORDERED that Petitioner is authorized to file a corrected Petition within ten days of the date of this Order; and

FURTHER ORDERED that the only corrections to the Petition authorized are those shown in the table appearing at pages 2–5 of the Motion; no other corrections to the Petition are permitted.

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