

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ARKEMA INC. and ARKEMA FRANCE,
Petitioner,

v.

HONEYWELL INTERNATIONAL INC.,
Patent Owner.

Case PGR2016-00011
Patent 9,157,017 B2

Before MICHAEL P. TIERNEY, GRACE KARAFFA OBERMANN, *Vice Chief Administrative Patent Judges*, and MICHELLE N. ANKENBRAND, *Administrative Patent Judge*.

ANKENBRAND, *Administrative Patent Judge*.

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

On April 3, 2017, Patent Owner contacted the Board by email seeking a conference to discuss Patent Owner's request for leave to file an observation regarding Petitioner's Reply in this proceeding. Ex. A. Patent Owner stated that an observation is necessary "to correct [Petitioner's] mischaracterizations of the evidence and deposition testimony" in this proceeding. *Id.* Patent Owner represented that counsel for the parties had met and conferred on the issue, and that counsel for Petitioner opposes such a filing.

A conference with the parties is not necessary. To preserve the issue for our consideration when rendering the final written decision in this proceeding, Petitioner is authorized to file a short paper as set forth below. The parties also may address the issue further during the oral hearing if they desire.

ORDER

It is

ORDERED that Patent Owner is authorized to file, by close of business (5 pm EST) on April 12, 2017, a two-page paper that identifies by page and line number the alleged mischaracterizations of evidence and deposition testimony in Petitioner's Reply;

FURTHER ORDERED that arguments, explanation, and other statements beyond the identification of page and line numbers are not authorized; and

FURTHER ORDERED that no other papers by either party are authorized at this time.

PGR2016-00011
Patent 9,157,017 B2

FOR PETITIONER:

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EXHIBIT A

From: Frank, Noah S. [<mailto:noah.frank@kirkland.com>]
Sent: Monday, April 03, 2017 4:54 PM
To: Trials <Trials@USPTO.GOV>
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Subject: PGR2016-00011 & PGR2016-00012

Dear Board,

Patent Owner Honeywell requests a call with the Board to discuss Honeywell's request for leave to file an observation on petitioner's reply in PGR2016-00011 to correct Arkema's mischaracterizations of the evidence and deposition testimony in Arkema's reply. Honeywell initially requested Arkema's consent to file a focused sur-reply limited to 10 pages. During a meet and confer on March 23rd, Arkema's counsel refused to consent to a sur-reply, but that they would consider consenting to a non-argumentative filing if they were able to consider an actual draft. On Friday March 31st, Patent Owner sent Arkema's counsel a draft non-argumentative observation on Arkema's reply, to which Arkema again refused consent. Should the Board desire, Honeywell will provide the draft in advance for consideration on the call. Honeywell is available for a call with the Board any time on April 5th, April 7th, or any day thereafter. Arkema's counsel informed Honeywell that they are not available until Monday, April 10th. Honeywell will arrange for a court reporter.

Sincerely,

Noah Frank

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