

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.

PGR2016-00011
PGR2016-00012¹
Patent 9,157,017 B2

Before MICHAEL P. TIERNEY, *Vice Chief Administrative Patent Judge*,
GRACE KARAFFA OBERMANN, and KRISTI L. R. SAWERT,
Administrative Patent Judges.

SAWERT, *Administrative Patent Judge*.

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

¹ We exercise our discretion to issue a single Order to be entered in each case using a joint caption. The parties are not permitted to use this caption unless authorized by the Board. For convenience, we use the paper and exhibit numbers from PGR2016-00011.

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On January 31, 2020, Petitioner conducted the cross-examination of Patent Owner's declarant, Mr. Joseph Posillico, pursuant to the Board's Orders. *See* Paper 68, 5 (authorizing Petitioner's cross-examination of Mr. Posillico); Paper 69, 2 (setting a revised date limit for the cross-examination). On February 3, 2020, Petitioner contacted the Board via e-mail seeking authorization to submit the exhibits marked during Mr. Posillico's deposition. Ex. 3004. Petitioner states in its e-mail:

During th[e] deposition, Petitioner marked and questioned Mr. Posillico about exhibits that were not previously part of the record in the above-referenced PGR proceedings. Petitioner respectfully requests leave from the Board to file the new exhibits marked during the deposition of Mr. Posillico together with the deposition transcript. Patent Owner has indicated that it does not object to the filing of those exhibits.

Id. Because the parties have conferred and Patent Owner does not object, we authorize Petitioner to file the exhibits marked during Mr. Posillico's deposition. Petitioner shall file the exhibits with its Opposition to Patent Owner's Motion to Leave, pursuant to 37 C.F.R. § 42.6(c). Petitioner is reminded to also submit a copy of the cross-examination transcript in its entirety as an exhibit to its Opposition, as previously ordered. *See* Paper 68, 5.

It is therefore:

ORDERED that Petitioner is authorized to file the exhibits marked during Mr. Posillico's deposition as exhibits to Petitioner's Opposition to Patent Owner's Motion for Leave.

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