

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GLOBUS MEDICAL, INC.,
Petitioner,

v.

DEPUY SYNTHES PRODUCTS, LLC,
Patent Owner.

Case IPR2015-00111
Patent 8,623,057

Mailed: November 5, 2014

Before Breck A. Reitter, *Trial Paralegal*

NOTICE OF FILING DATE ACCORDED TO PETITION
AND
TIME FOR FILING PATENT OWNER PRELIMINARY RESPONSE

The petition for *inter partes* review in the above proceeding has been accorded the filing date of October 21, 2014.

A review of the petition identified the following defect(s):

1. The Petition lists Patent Owner as Depuy Acquisition, LLC, whereas PTO records indicate the Patent Owner is Depuy Synthes Products, LLC. Correction of the Petition to accurately identify the Patent Owner is required.
2. The Certificate of Service indicates that Petitioner served Patent Owner through “Priority Mail.” The Patent Owner should be served at the correspondence address of record as required in 37 C.F.R. § 105(a) according to the methods recited in 37 C.F.R. § 42.105(b), which now reads (emphasis added):

(b) Upon agreement of the parties, service may be made electronically. Service may be by *Priority Mail Express® or by means at least as fast and reliable as Priority Mail Express®*. Personal service is not required.
3. With respect to exhibits, 37 C.F.R. § 42.63(d)(2) requires “[e]ach page must be uniquely numbered in sequence.” The exhibits require correction to include sequential page numbering.
4. The charts in which Petitioner proffers claim interpretation beginning on page 8 of the Petition should be double spaced according to 37 C.F.R. § 42.6:

Double spacing must be used except in claim charts, headings, tables of contents, tables of authorities, indices, signature blocks, and certificates of service. Block quotations may be 1.5 spaced, but must be indented from both the left and the right margins.

Petitioner is advised to continue to comply with the page limitations set forth in 37 C.F.R. § 42.24(a)(i) upon correction of the Petition.

Petitioner must correct the defect(s) within **FIVE BUSINESS DAYS** from this notice. Failure to correct the defect(s) may result in an order to show cause as to why the Board should institute the trial. No substantive changes (e.g., new grounds) may be made to the petition.

Patent Owner may file a preliminary response to the petition no later than three months from the date of this notice. The preliminary response is limited to setting forth the reasons why the requested review should not be instituted. Patent Owner may also file an election to waive the preliminary response to expedite the proceeding. For more information, please consult the Office Patent Trial Practice Guide, 77 Fed. Reg. 48756 (Aug. 14, 2012), which is available on the Board Web site at <http://www.uspto.gov/PTAB>.

Patent Owner is advised of the requirement to submit mandatory notice information under 37 C.F.R. § 42.8(a)(2) within 21 days of service of the petition.

The parties are encouraged to use the heading on the first page of this Notice for all future filings in the proceeding.

The parties are advised that under 37 C.F.R. § 42.10(c), recognition of counsel *pro hac vice* requires a showing of good cause. The parties are authorized to file motions for *pro hac vice* admission under 37 C.F.R. § 42.10(c). Such motions shall be filed in accordance with the “Order -- Authorizing Motion *for Pro Hac Vice* Admission” in Case IPR2013-00639, Paper 7, a copy of which is available on the Board Web site under “Representative Orders, Decisions, and Notices.”

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The parties are reminded that unless otherwise permitted by 37 C.F.R. § 42.6(b)(2), all filings in this proceeding must be made electronically in the Patent Review Processing System (PRPS), accessible from the Board Web site at <http://www.uspto.gov/PTAB>.

If there are any questions pertaining to this notice, please contact Breck A. Reitter at 571-272-5866 or the Patent Trial and Appeal Board at 571-272-7822.

PETITIONER:

Michael W. O'Neill
Margaux A. Aviguetero
NOVAK DRUCE CONNOLLY BOVE + QUIGG LLP
mike.oneill@novakdruce.com
margaux.aviguetero@novakdruce.com

PATENT OWNER:

BERNARD F. PLANTZ
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

BAKER & HOSTETLER LLP
2929 ARCH STREET
CIRA CENTRE, 12TH FLOOR
PHILADELPHIA, PA 19104

PHILIP S. JOHNSON
ONE JOHNSON & JOHNSON PLAZA
JOHNSON & JOHNSON
NEW BRUNSWICK, NJ 08933-7003