

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

JTEKT CORPORATION,
Petitioner,

v.

GKN AUTOMOTIVE LTD.,
Patent Owner.

Case IPR2016-00046
Patent 8,215,440 B2

Before MICHAEL P. TIERNEY, JOSIAH C. COCKS, and
JAMES J. MAYBERRY, *Administrative Patent Judges*.

MAYBERRY, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding

37 C.F.R. § 42.5

On September 22, 2016, a call was conducted with counsel for Petitioner, JTEKT Corp., counsel for Patent Owner, GKN Automotive Ltd., and Judges Tierney, Cocks, and Mayberry. Patent Owner requested the call to discuss Petitioner's Reply to Patent Owner Response in Support of Petition for *Inter Partes* Review, filed on September 8, 2016 (Paper 14, the "Reply"), exceeding the scope of a proper reply brief.

Patent Owner stated that the Reply includes additional rationales for combining references in an obviousness challenge—rationales to which Patent Owner has not had the opportunity to respond. Petitioner stated that this additional rationales augmented its prior analysis in response to the Patent Owner's Response to Petition for *Inter Partes* Review under 37 C.F.R. § 42.107 (Paper 12, filed June 16, 2016, the "Patent Owner Response").

To ensure that each party's position is considered by the Board when evaluating the record in this proceeding, we authorize Patent Owner to file a paper that lists, by page and line number, that material in the Reply that Patent Owner contends exceeds the proper scope of a reply brief. This listing shall not include any commentary or other arguments with respect to these entries. We also authorize Petitioner to file a responsive paper that specifies, for each entry in Patent Owner's paper, the corresponding page and line numbers in the Patent Owner Response to which the listed entry responds. Petitioner's paper shall not include any commentary or other arguments with respect to these responsive entries.

In consideration of the foregoing, it is hereby

ORDERED that Patent Owner is authorized to file a paper by Monday, September 26, 2016, limited to two (2) pages, identifying, by page

and line number, any material in the Reply that Patent Owner contends exceeds the scope of a proper reply brief; and

it is further ORDERED that Petitioner is authorized to file a responsive paper by Thursday, September 29, 2016, limited to two (2) pages, identifying, by page and line number, the subject matter in the Patent Owner Response to which each entry in Patent Owner's listing responds.

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