

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CANFIELD SCIENTIFIC, INC.,
Petitioner,

v.

MELANOSCAN, LLC,
Patent Owner.

Case IPR2017-02125
Patent 7,359,748 B1

Before JOHN C. KERINS, MICHAEL W. KIM, and SCOTT C. MOORE,
Administrative Patent Judges.

KERINS, *Administrative Patent Judge.*

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

Petitioner, in a communication to the Board dated January 11, 2018, indicated that it seeks leave to file a reply regarding the argument in Patent Owner's Preliminary Response that the Petition in this IPR is barred by 35 U.S.C. § 315(a). Petitioner advised the Board that Patent Owner does not consent to the filing of such a reply, and requested a telephone conference to have the panel decide on its request.

We have considered Petitioner's request, and determine that, under the facts and circumstances presented here, the issue is such that the panel would benefit from a short reply. Accordingly, we hereby authorize Petitioner to file a reply limited specifically to whether the Petition is barred by 35 U.S.C. § 315(a). The reply shall not exceed five (5) pages in length, and must be filed no later than January 26, 2018.

Therefore, it is hereby:

ORDERED that Petitioner's request for leave to file a reply to Patent Owner's Preliminary Response, directed solely to the issue involving a potential bar under 35 U.S.C. § 315(a), is *granted*; and

FURTHER ORDERED that such reply shall not exceed five (5) pages in length, and shall be filed no later than January 26, 2018.

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PETITIONER:

Julianne M. Hartzell
Sandip H. Patel
MARSHALL, GERSTEIN & BORUN LLP
jhartzell@marshallip.com
spatel@marshallip.com

PATENT OWNER:

Mark D. Giarratana
Kevin L. Reiner
McCARTER & ENGLISH LLP
mgiarratana@mccarter.com
kreiner@mccarter.com