

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

A conference call was held on May 9, 2018, involving both parties and the panel. Petitioner seeks to submit supplemental information, in accordance with the provisions of 37 C.F.R. § 42.123(a). Patent Owner opposes certain aspects of Petitioner's request.

Petitioner advised that the additional information and evidence that it proposes to submit is directed to (i) authentication of the publication date of Exhibit 1004 filed with the Petition; (ii) additional information related to Exhibit 1004; and (iii) information related to claim construction in a co-pending district court proceeding. For (i), Patent Owner indicated that it does not oppose submission. Accordingly, that request is granted.

For (iii), Patent Owner opposed, but in the event that the Board granted the request, asked that Patent Owner also be permitted to submit similar information. We determine that, under the facts and circumstances presented here, information directed solely to claim construction in (iii) above may be submitted.

For (ii), Petitioner shall file a Motion to Submit Supplemental Information, not to exceed five (5) pages, explaining the relevance of the information to the proceeding and the purpose for which it is offered. The Motion shall be filed by May 16, 2018. Patent Owner is authorized to file a reply to any such motion, not to exceed five (5) pages, by May 23, 2018.

Therefore, it is hereby:

ORDERED that information directed solely to authenticating the publication date of Exhibit 1004 and information related to claim construction in the co-pending district court proceeding may be submitted as exhibits;

FURTHER ORDERED that Petitioner is permitted to file a Motion to Submit Supplemental Information directed to other information related to Exhibit 1004, with such motion not to exceed five (5) pages in length, and filed no later than May 16, 2018; and

FURTHER ORDERED that Patent Owner may file a reply to such motion, not to exceed five (5) pages in length, by no later than May 23, 2018.

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PETITIONER:

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