

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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CANFIELD SCIENTIFIC, INC.,  
Petitioner,

v.

MELANOSCAN, LLC,  
Patent Owner.

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Case IPR2017-02125 (Patent 7,359,748 B1)

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

KERINS, *Administrative Patent Judge.*

ORDER

Granting Authorization for Petitioner to file a Corrected Petition  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

A conference call in IPR2017-02125, which involves Patent No. US 7,359,748 B1 (“the ’748 patent”), was conducted between Judges Kerins, Kim, and Moore, and respective counsel for the parties on November 13, 2017. Canfield Scientific, Inc. (Petitioner) was represented by lead counsel, Julianne M. Hartzell, and Melanoscan LLC (Patent Owner) was represented by backup counsel, Kevin L. Reiner.

Petitioner requested the conference call, seeking authorization to file a Corrected Petition. Petitioner explained that the original Petition, which has been accorded a filing date of September 21, 2017, included several errors mostly concerning incorrect citations to its Declaration, including transposed numbers, numbers that are off by a digit, and numbers inadvertently dropped out during edits, none of which, Petitioner asserts, affects the substance of the Petition. Petitioner indicated that it provided the proposed Corrected Petition, as a redlined version showing the corrections to be made, to Patent Owner on September 26, 2017, five days after the Petition was filed. Patent Owner acknowledged that it reviewed the Correct Petition, and agreed that it does not include any substantive changes. Patent Owner objected to Petitioner’s request on bases unrelated to the issues identified by Petitioner, and, in the alternative, requested that if Petitioner’s request was granted, that the due date for filing its Preliminary Response be delayed.

On these facts, Petitioner’s request for authorization to file a Corrected Petition, corresponding to the redlined version provided to Patent Owner on September 26, 2017, is granted. As the redlined version of the Corrected Petition was provided to Patent Owner five days after the initial Petition was filed, the deadline for Patent Owner to file any Preliminary Response is commensurately extended by five (5) days.

Therefore, it is hereby:

ORDERED that Petitioner is granted leave to file a Corrected Petition as identified above, within five (5) business days after the posting of this Order; and

FURTHER ORDERED that the deadline for Patent Owner to file any Preliminary Response is extended to January 2, 2018.

IPR2017-02125 (Patent 7,359,748 B1)

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