

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ABS GLOBAL, INC.,
Petitioner,

v.

XY, LLC,
Patent Owner.

Case IPR2017-02184
Patent 7,208,265 B1

Before GRACE KARAFFA OBERMANN, SUSAN L. C. MITCHELL, and
ROBERT A. POLLOCK, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER
*Granting Petitioner's Unopposed
Motion to Submit Supplemental Information
37 C.F.R. § 42.123(a)*

DISCUSSION

On April 27, 2018, Patent Owner filed objections to the admissibility of Fugger (Ex. 1007), which was introduced in the grounds of unpatentability stated in the Petition. Paper 12, 1 (statement of objections); *see* Paper 1, 5 (Petition, asserting Fugger in the second stated ground of unpatentability). On May 22, 2018, with Board pre-authorization (Paper 15), Petitioner filed a motion “to submit Exhibits 1035–1047 as supplemental information directed to the public accessibility of” the Fugger reference. Paper 16, 1. On May 30, 2018, Patent Owner filed a paper indicating that it does not oppose Petitioner’s request for submission of Exhibits 1035–1047 as supplemental information. Paper 18, 1.

Petitioner shows sufficiently that the proffered supplemental information is timely and relevant under the requirements of 37 C.F.R. § 42.123(a). Paper 16, 2–5; *see* Paper 15, 2 (Order entered May 22, 2018, discussing Petitioner’s showing). In addition, Petitioner shows sufficiently that the proffered supplemental information does “not change the authorized grounds of unpatentability or the evidence initially presented in the Petition to support those grounds.” Paper 16, 5.

Under these particular facts and circumstances, we are persuaded that granting Petitioner’s unopposed motion is appropriate. Accordingly, we authorize entry of Exhibits 1035–1047 as supplemental information in this proceeding. Given that Petitioner filed Exhibits 1035–1047 with its motion, those exhibits are of record and no further action is required.

It is

ORDERED that Petitioner's unopposed motion to submit Exhibits 1035–1047 as supplemental information is *granted*.

PETITIONER:

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