

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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VF OUTDOOR, LLC,  
Petitioner,

v.

COCONA, INC.,  
Patent Owner.

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Case IPR2018-00190  
Patent 8,945,287 B2

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Before KRISTINA M. KALAN, CHRISTOPHER M. KAISER, and  
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5*

A conference call was held on June 23, 2019, among counsel for the parties and Judges Kalan, Kaiser, and Roesel. The Board convened the conference to discuss Patent Owner's request for authorization to file an opposition to Petitioner's Request for Rehearing (Paper 51), and Petitioner's request for authorization to file a reply to any opposition filed by Patent Owner.

Patent Owner requested authorization to file an opposition to Petitioner's Request for Rehearing to address Petitioner's arguments about claim construction with respect to Ground 2 and Ground 4, and to address the submission and characterization of new evidence submitted by Petitioner. Patent Owner asserts that good cause exists for permitting an opposition, because the Petitioner's claim construction arguments and new evidence raise new issues, and because the Board would benefit from additional briefing on these matters. Petitioner disagreed with Patent Owner's characterization of these issues as new, but stated that it was not opposed to Patent Owner filing an opposition, so long as Petitioner could file a reply. Patent Owner requested ten pages for its opposition, and Petitioner requested five pages for its reply.

Having considered Petitioner's and Patent Owner's contentions, we determine good cause exists to support Patent Owner's request for an opposition to Petitioner's Request for Rehearing, to address the issues set forth therein. We note the parties' representations that they agreed in principle to most aspects of their requests for briefing prior to our call.

ORDER

Accordingly, it is:

ORDERED that Patent Owner's request for leave to file a ten-page opposition to Petitioner's Request for Rehearing is *granted*, and that the opposition shall be filed no later than August 6, 2019;

FURTHER ORDERED that Petitioner may file a five-page reply to Patent Owner's opposition, and that the reply shall be filed no later than August 20, 2019; and

FURTHER ORDERED that no new evidence or exhibits are permitted in connection with the respective opposition and reply.

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