

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ILLUMINA, INC.,
Petitioner,

v.

THE TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,
Patent Owner.

Case IPR2018-00291 (Patent 9,718,852 B2)
Case IPR2018-00318 (Patent 9,719,139 B2)
Case IPR2018-00322 (Patent 9,708,358 B2)
Case IPR2018-00385 (Patent 9,725,480 B2)¹

Before JAMES A. WORTH, MICHELLE N. ANKENBRAND, and
BRIAN D. RANGE, *Administrative Patent Judges*.

RANGE, *Administrative Patent Judge*.

AMENDED SCHEDULING ORDER
37 C.F.R. § 42.5

¹ These proceedings have not been consolidated. The parties are not authorized to use a combined caption unless an identical paper is being entered into each proceeding, and the paper contains a footnote indicating the same.

IPR2018-00291 (Patent 9,718,852 B2)
IPR2018-00318 (Patent 9,719,139 B2)
IPR2018-00322 (Patent 9,708,358 B2)
IPR2018-00385 (Patent 9,725,480 B2)

On September 20, 2018, the Board held a conference call with the parties regarding the schedule of related Case IPR2018-00797 between Judges Worth, Ankenbrand, and Range and counsel for Petitioner Illumina, Inc. and Patent Owner The Trustees of Columbia University in the City of New York. On the call, the parties agreed that they would submit an agreed schedule for the above-captioned proceedings. On September 21, 2018, Petitioner filed an agreed Proposal to Modify the Schedule (“Scheduling Proposal”). *See, e.g.*, IPR2018-00318, Paper 27.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that the parties’ agreed due dates for the above captioned proceedings are entered as follows: DUE DATE 1 is October 26, 2018; DUE DATE 2 is January 22, 2019; DUE DATE 3 is February 5, 2019²; DUE

² The parties identified DUE DATE 3 as “Moot” in their Scheduling Proposal. *See, e.g.*, IPR2018-00318, Paper 27, 1. The August 2018 Update to the Office Patent Trial Practice Guide, 83 Fed. Reg. 39,989 (Aug. 13, 2018) (“Trial Practice Guide Update”), however, provides that a sur-reply to a patent owner response “normally will be authorized by the scheduling order entered at institution.” Trial Practice Guide Update 14. The scheduling orders in these proceedings were entered before the Trial Practice Guide Update was issued and, therefore, did not include a sur-reply due date. Because these proceedings are in their early stages and because the Trial Practice Guide contemplates the filing of a sur-reply in the normal course of a proceeding, Patent Owner may file a sur-reply in these proceedings by DUE DATE 3.

IPR2018-00291 (Patent 9,718,852 B2)
IPR2018-00318 (Patent 9,719,139 B2)
IPR2018-00322 (Patent 9,708,358 B2)
IPR2018-00385 (Patent 9,725,480 B2)

DATE 4 is February 7, 2019; DUE DATE 5 is February 19, 2019; DUE
DATE 6 is February 26, 2019; DUE DATE 7 is March 5, 2019.³

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³ The Scheduling Order for IPR2018-00797, Paper 26, remains in effect and is not modified by this order.