

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BOX, INC. and DROPBOX, INC.,
Petitioner,

v.

TOPIA TECHNOLOGY, INC.,
Patent Owner.

IPR2023-00427 (Patent 9,143,561)
IPR2023-00429 (Patent 10,289,607)
IPR2023-00430 (Patent 11,003,622)
IPR2023-00431 (Patent 10,642,787)
IPR2023-00432 (Patent 10,754,823)
IPR2023-00433 (Patent 10,067,942)¹

PER CURIAM

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

¹ The parties are not authorized to use this caption.

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By email, Petitioners in these proceedings requested a conference with the Board to seek authorization to file, in each proceeding, a common preliminary reply addressing arguments raised in Patent Owner's Preliminary Responses regarding assertions relating to real parties in interest (RPI) and the Board's discretion to deny institution under 35 U.S.C. §§ 314 and 315.

The email states that Petitioners have conferred with Patent Owner regarding this request, and the parties have agreed to the following, subject to the Board's approval: (1) Petitioners may submit a common preliminary reply of up to eight pages in each IPR (i.e., the same paper will be filed in each IPR); (2) Petitioners may submit a common declaration of up to eight pages in each IPR (i.e., the same declaration will be filed in each IPR); (3) Patent Owner may submit a common sur-reply brief of up to eight pages in each IPR (i.e., the same sur-reply brief will be filed in each IPR); and (4) if Petitioners submit declaration evidence, Patent Owner will be entitled to cross-examine the declarant before institution and before submitting their sur-reply brief.

The Board has considered this request and determined that granting the request is in the interest of justice. No conference is necessary.

It is, therefore,

ORDERED that Petitioners are authorized to file in each of these proceedings a common preliminary reply of up to eight pages limited to addressing the assertions in Patent Owner's Preliminary Responses relating

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to real parties in interest (RPI) and the Board's discretion to deny institution under 35 U.S.C. §§ 314 and 315;

FURTHER ORDERED that Patent Owner may submit a common sur-reply brief of up to eight pages in each proceeding, limited to the issues raised in Petitioners' preliminary reply;

FURTHER ORDERED that if Petitioners submit declaration evidence with their reply, Petitioners will make the declarant available for cross-examination by Patent Owner before Patent Owner's sur-reply brief is due; and

FURTHER ORDERED that Petitioners' reply is due by June 8, 2023, and Patent Owner's sur-reply will be due two weeks after receiving Petitioners' reply.

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