

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ROCHE DIAGNOSTICS OPERATIONS, INC. and
ROCHE DIAGNOSTICS CORPORATION,
Petitioner,

v.

ABBOTT LABORATORIES,
Patent Owner.

Case IPR2016-00233
Patent 7,932,369 B2

Before ZHENYU YANG and TINA E. HULSE, *Administrative Patent Judges*.

HULSE, *Administrative Patent Judge*.

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

On March 17, 2016, Petitioner filed under seal Objections to Evidence submitted by Patent Owner with its Preliminary Response (Paper 6).

Paper 7. Under 37 C.F.R. § 42.64(b)(1), objections to evidence submitted during a preliminary proceeding must be served within ten business days of the institution of trial. Trial has not been instituted yet in this proceeding. Petitioner's objections are, therefore, premature and will be expunged.

We also note that it is unclear why the objections were filed under seal. The parties are directed to the Office Patent Trial Practice Guide, 77 Fed. Reg. 48,756, 48,760-61 (Aug. 14, 2012), for guidance on the proper procedures for filing confidential information under seal.

Accordingly, it is

ORDERED that Petitioner's Objections to Evidence (Paper 7) shall be expunged.

IPR2016-00233
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