

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SYNAFFIX B.V.,
Petitioner,

v.

HANGZHOU DAC BIOTECH CO., LTD.,
Patent Owner.

IPR2022-01531
Patent 10,131,682 C1

Before ZHENYU YANG and DEVON ZASTROW NEWMAN,
Administrative Patent Judges.

NEWMAN, *Administrative Patent Judge.*

ORDER
Conduct of the Proceeding
Authorizing Additional Briefing
37 C.F.R. §§ 42.5, 42.108(c)

On June 29, 2023, Petitioner requested a conference call with the Board regarding Petitioner's request for authorization to file a preliminary reply to Patent Owner's Patent Owner Preliminary Response (Paper 9). *See* Ex. 3001. Patent Owner opposes Petitioner's request. *See id.*

On July 3, 2023, Judges Newman and Yang participated in a conference call with counsel for the parties, including Mr. Michael Houston for Petitioner and Ms. Catherine Mattes for Patent Owner.¹ Petitioner engaged a court reporter, and the transcript of that call will be filed by Petitioner following Patent Owner's review. During the call, Petitioner requested the Board's permission to submit a preliminary reply to the Patent Owner Preliminary Response on three issues: 1) Patent Owner's arguments under Section 325(d); 2) Patent Owner's claim constructions; and 3) Patent Owner's non-analogous-art arguments. Petitioner asserted that it had good cause because, for instance, Patent Owner's arguments on 325(d) related to different disclosures in the asserted reference than the claims at issue. Regarding the claim construction issue, Petitioner asserted the claim constructions submitted by Patent Owner were overly limiting in light of the Specification and prosecution history. Petitioner argued that the claim interpretations also arose in arguments raised by Patent Owner that the art asserted in the Petition is not analogous. Patent Owner argued in response that Petitioner's characterization of the 325(d) arguments was incorrect and that the Board had all necessary information and ability to decide the issues without further input from either party. Upon consideration of the parties'

respective positions, the panel has determined that additional briefing is warranted.

It is ORDERED that Petitioner is authorized to file a 10-page reply as outlined in Petitioner's June 29, 2023, email to the Board (Ex. 3001) by July 11, 2023;

FURTHER ORDERED that Patent Owner is authorized to file a 10-page sur-reply by July 19, 2023;

FURTHER ORDERED that neither party is authorized to file any additional evidence or exhibits in support of their brief; and

FURTHER ORDERED that a transcript of the conference call will be filed as an exhibit within 10 business days.

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