

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DK CROWN HOLDINGS INC.,
Petitioner,

v.

DIOGENES LIMITED,
Patent Owner.

IPR2023-00266
Patent 10,970,696 B2

Before HYUN J. JUNG, ROBERT L. KINDER, and SEAN P. O'HANLON,
Administrative Patent Judges.

O'HANLON, *Administrative Patent Judge.*

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

A conference call in this proceeding was held on February 26, 2024, among counsel for Petitioner DK Crown Holdings Inc. (Eliot Williams), counsel for Patent Owner Diogenes Limited (Matthew Juren), and Judges Jung, Kinder, and O’Hanlon. During the call, Mr. Williams requested authorization to file a Motion to Strike. According to Mr. Williams, Patent Owner first raised the issue of whether the asserted references are analogous art in its Sur-reply (Paper 24), and Exhibits 2036 and 2037 are improper evidence introduced with the Sur-reply. Mr. Juren argued that the Sur-reply and Exhibits are proper.

As we indicated during the conference call, we determine that it would be beneficial to receive briefing on this issue. Petitioner’s request to file a motion to strike is *granted*. The Motion to Strike is limited to five pages and is due by March 4, 2024. Patent Owner is authorized to file an Opposition to Petitioner’s Motion, due by March 11, 2024, and limited to five pages.

It is so ORDERED.

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