

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUNTER'S MANUFACTURING COMPANY, INC. d/b/a
TENPOINT CROSSBOW TECHNOLOGIES,
Petitioner,

v.

RAVIN CROSSBOWS, LLC,
Patent Owner.

IPR2023-00407
Patent 9,354,015 B2

Before KEN B. BARRETT, PATRICK R. SCANLON, and
ROBERT J. SILVERMAN, *Administrative Patent Judges*.

SILVERMAN, *Administrative Patent Judge*.

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

On June 6, 2023, Petitioner (by electronic mail) requested a telephonic conference with the Board, in order to address Petitioner's proposed submission of a Reply brief, in response to the Patent Owner's Preliminary Response (Paper 9, April 11, 2023). Petitioner indicated that the proposed Reply brief would relate to whether the Board should exercise its discretion, under 35 U.S.C. § 314(a), to deny the pending Petition for *inter partes* review (Paper 1, December 21, 2022).

A conference with the parties was held on June 7, 2023, wherein Petitioner stated that the present request for leave to submit a Reply brief was precipitated by recent developments in co-pending district court litigation between the Petitioner and the Patent Owner (*Ravin Crossbows, LLC v. Hunter's Mfg. Co., Inc.*, Case No. 5:23-cv-00598 (N.D. Ohio)), involving the subject patent of the Petition (US 9,354,015 B2).

Specifically, Petitioner maintains that the recent filing of a motion to stay and the postponement of a case management conference in the co-pending district court litigation, as well as the availability of updated information regarding the time to trial for cases in the district court, warrant the filing of a Reply brief. Patent Owner asserted that there is no good cause for the requested Reply.

Upon considering the arguments of both parties, the Board determines that the identified information would assist the Board's determination as to whether to exercise discretion, such that good cause exists for filing a Reply brief. *See* 37 C.F.R. § 42.108(c).

Accordingly, it is:

ORDERED that Petitioner may file a Reply brief of up to five (5) pages, limited to the subjects presented to the Board in the June 7, 2023,

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telephone conference and mentioned above. Such Reply brief shall be filed on or before June 10, 2023.

FURTHER ORDERED that Patent Owner may file a Sur-reply brief of up to five (5) pages, limited to subjects raised by Petitioner in the Reply brief. Such Sur-reply brief shall be filed on or before June 16, 2023.

For PETITIONER:

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