

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NANOBEBE US INC.,

Petitioner,

v.

MAYBORN (UK) LIMITED,

Patent Owner.

IPR2023-00465
Patent 11,207,244 B2

Before ULRIKE W. JENKS, MICHAEL L. WOODS, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

JENKS, *Administrative Patent Judge*.

ORDER
Conduct of proceeding
37 C.F.R. § 42.70

A conference call was held on July 25, 2023, between counsel for the respective parties and Judges Jenks, Woods, and Hardman.

Petitioner requests authorization to file motion to submit supplemental information pursuant to 37 C.F.R. § 42.123(a). *See* Ex. 3001. Specifically, Petitioner requests to submit a supplemental declaration from Petitioner's expert to include analysis of Ishimaru (Ex. 1008) with regard to claim 23. In addition, Petitioner seeks to submit a supplemental Petition to include claim 23 in Ground 1. *Id.* Petitioner asserts that the omission of claim 23 with respect to Ground 1 was unintentional. *Id.* Patent Owner opposes the request. *Id.*

After hearing the parties' respective positions, the panel determined that additional briefing would be helpful to the panel in deciding whether entry of the supplemental information is appropriate at this stage in the trial. We encourage the parties to cite board decisions that support their respective positions in their briefing.

ORDER

Accordingly, it is

ORDERED that Petitioner is authorized to file a motion to submit supplement information not to exceed 7 pages due Friday July 28, 2023;

FURTHER ORDERED that Petitioner include a redline version of the supplemental declaration and supplemental petition as an appendix to the motion;

FURTHER ORDERED that Patent Owner is authorized to file an opposition to the motion not to exceed 7 pages due Friday August 4, 2023; and

FURTHER ORDERED that other than the appendices noted above, neither party may file additional evidence in support of its brief.

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