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Paper 74
Entered: April 1, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIKING DRILL & TOOL, INC.,
Petitioner,

v.

HONGJIA WANG,
Patent Owner.

IPR2023-00473 and IPR2023-00474
Patent 11,007,583

Before WILLIAM V. SAINDON, JAMES J. MAYBERRY, and CYNTHIA L. MURPHY, *Administrative Patent Judges*.

SAINDON, *Administrative Patent Judge*.

ORDER
Granting Patent Owner's Motion to Expunge Sur-Reply
Granting Petitioner's Motions to Expunge Exhibits 1046 & 1049
37 C.F.R. § 42.5

I. ANALYSIS

Petitioner filed motions in IPR2023-00473 (Paper 63) and IPR2023-00474 (Paper 70) that request we expunge exhibits 1046 and 1049. Petitioner asserts that we should grant the motions because Petitioner had inadvertently omitted certain portions of deposition testimony in these exhibits. Petitioner represents that its motions are unopposed.

Patent Owner filed a motion in IPR2023-00474 (Paper 63) to expunge its sur-reply so that it may be replaced by an updated version. In particular, Patent Owner asserts that there was a dispute between the parties as to whether Patent Owner raised new arguments in its original sur-reply (Papers 56, 57). Patent Owner asserts that its new sur-reply (Papers 65, 66) has been modified as a result of a compromise between the parties to address the dispute.

Having reviewed the parties' positions, we determine that good cause exists to grant the motions discussed above. The motions are unopposed, and seek to resolve disputes between the parties or to clarify the record.

II. ORDER

In view of the foregoing, it is hereby:

ORDERED that Petitioner's motions to expunge and replace exhibits 1046 and 1049 are *granted*; and

FURTHER ORDERED that Patent Owner's motion to expunge its original sur-reply (Papers 56, 57) is *granted*, and that Patent Owner's sur-reply is now to be found in Papers 65 and 66.

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