

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHONGQING YANMEI TECHNOLOGY CO., LTD.,
Petitioner,

v.

TERVES, LLC,
Patent Owner.

IPR2023-00521
Patent 10,689,740 B2

Before JO-ANNE M. KOKOSKI, JON B. TORNQUIST, and
JANE E. INGLESE, *Administrative Patent Judges*.

TORNQUIST, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding
Expunging Petitioner's Proposed Motion and Reply
37 C.F.R. §§ 42.5, 42.7

On July 20, 2023, Petitioner requested authorization to file a motion for leave to file a reply to Patent Owner's Preliminary Response. Ex. 3001. This request was denied in view of Petitioner's 45-day delay in requesting such authorization. *Id.*

On July 27, 2023, Petitioner filed a Petition to the Director under 37 C.F.R. §§ 1.181(a)(3), 1.182, and/or 41.3 requesting that the Director reverse the panel's denial of its request for authorization to file a motion for leave to file a reply. Paper 9. At the same time, Petitioner filed as papers its proposed motion for leave to file a reply and its proposed reply. Papers 10, 11. On August 17, 2023, Petitioner's Petition to the Director was dismissed because 37 C.F.R. §§ 1.181(a)(3), 1.182, and 41.3 do not apply to this proceeding. Paper 12.

The proposed motion and reply were not authorized; indeed, Petitioner was expressly denied authorization to file these papers. Petitioner asserts in its Petition to the Director that it filed the unauthorized motion and reply "so that there will be no delay and the Board will not be deprived of any further time under 35 USC 314(b)" when its Petition is granted. Paper 9, 9. The filing of these papers under the guise of inapplicable rules and regulations does not excuse such action, nor does Petitioner's speculation that such an unauthorized filing would benefit the Board. As such we expunge the proposed motion (Paper 10) and proposed reply (Paper 11) from the record.¹ *See* 37 C.F.R. § 42.7(a) ("The Board may expunge any paper directed to a proceeding . . . that is not authorized under this part or in a Board order or that is filed contrary to a Board order.").

¹ We caution that continued filing of unauthorized motions or papers could lead to sanctions pursuant to 37 C.F.R. § 42.12.

IPR2023-00521
Patent 10,689,740 B2

FOR PETITIONER:

Gokalp Bayramoglu
Nihat Bayramoglu
BAYRAMOGLU LAW OFFICES, LLC
gokalp@bayramoglu-legal.com
deniz@bayramoglu-legal.com

FOR PATENT OWNER:

David Cupar
Matthew Cavanagh
McDONALD HOPKINS LLC
dcupar@mcdonaldhopkins.com
mcavanagh@mcdonaldhopkins.com