

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUMINDISTRIAL TECHNOLOGY, INC.,
Petitioner,

v.

AMSTED RAIL COMPANY, INC.,
Patent Owner.

IPR2023-00538
Patent 9,365,223 B2

Before JAMES P. CALVE, KEVIN W. CHERRY, and
MICHAEL L. WOODS, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

ORDER

Authorizing Petitioner to file Motion to Correct Petition
37 C.F.R. §§ 42.5, 42.104(c)

On March 27, 2023, a conference call was held to discuss Petitioner's request to correct an error in the Petition (Paper 1).

During the call, Petitioner states that the Petition contains a clerical error in that a limitation from independent claim 5 was inadvertently omitted. Petitioner explains that the missing limitation was instead addressed in dependent claim 8.

Patent Owner objects to Petitioner's request, arguing that the error is not clerical.

Good cause exists to grant Petitioner's request to file a motion. Patent Owner's preliminary response is not due until May 15, 2023. Further, under 37 C.F.R. § 42.104(c), "[a] motion may be filed that seeks to correct a clerical or typographical mistake in the petition."

Petitioner may file a 5-page motion. The motion shall include, as exhibits: (1) a red-lined version of the proposed, amended petition, utilizing underline and strike-thru to indicate additions and omissions, respectively, to the originally-filed petition; and (2) a clean version of the amended petition, without any underline or strike-thru.

Patent Owner may file a 5-page opposition.

The Board does not authorize a reply. The parties shall follow the schedule set forth below.

ORDER

It is ORDERED that,

Petitioner *may file*, on or before March 31, 2023, a 5-page motion to correct clerical errors in the petition;

Petitioner *shall file*, if such motion is filed, a red-lined version of the amended petition, as an exhibit, using strike-thru and underline to indicate omissions and additions, respectively, to the original petition;

Petitioner *shall file*, if such motion is filed, a clean version of the amended petition, as an exhibit; and

Patent Owner *may file*, no later than April 7, 2023, a 5-page opposition to the motion.

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