

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOM ENTERPRISES, LLC,
Petitioner, v.
ELAINE AND REINHOLD W. VIETH,
Patent Owner.

IPR2023-00726
Patent 9,066,958 B2

Before JOHN G. NEW, SHERIDAN K. SNEDDEN, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

HARDMAN, *Administrative Patent Judge*.

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

By email dated December 15, 2023, Patent Owner requested authorization to file a motion for additional discovery, namely the depositions of three employees/executives of Petitioner.¹ *See* Ex. 3006 (Patent Owner's email). On December 21, 2023, the panel conducted a conference call with Mr. Ungerman and Mr. Anderson for Patent Owner, and Mr. Conrad and Ms. Patel for Petitioner. No court reporter was present.

After hearing from the parties during the call, and considering their arguments, the panel authorized Patent Owner to file the motion. This Order memorializes the briefing schedule and parameters discussed during the call.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner is authorized to file a motion for additional discovery, which shall be filed on or before December 28, 2023, and which shall not exceed 7 pages (excluding the proposed discovery requests, which shall be placed in an appendix to the motion);

FURTHER ORDERED that Petitioner is authorized to file, on or before January 4, 2024, an opposition to Patent Owner's motion, which shall not exceed 7 pages;

FURTHER ORDERED that neither party is authorized to file any additional evidence or exhibits in support of their briefs; and

FURTHER ORDERED that no additional briefing is authorized at this time.

¹ During the conference call, the panel learned that one of the proposed deponents is a former employee of Petitioner.

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