

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HESAI TECHNOLOGY CO. LTD.,
Petitioner,

v.

OUSTER, INC.,
Patent Owner.

IPR2023-01458
Patent 11,422,236 B2

Before MEREDITH C. PETRAVICK, KEVIN W. CHERRY and
JON M. JURGOVAN, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

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

Counsel for both parties and Judges Petravick, Cherry, and Jurgovan held a conference call on January 16, 2024. This Order summarizes the conference call.

Petitioner requested the conference call to seek authorization to file a five-page reply to Patent Owner's Preliminary Response (Paper 6).

Ex. 3001. Petitioner contended that good cause exists to file a reply because "it was not foreseeable that Patent Owner would rely on *LG Elecs. Inc. v. ImmerVision, Inc.*, 39 F.4th 1364, 1372–73 (Fed. Cir. 2022) and *In re Yale*, 434 F.2d 666 (C.C.P.A. 1970), both of which involved "an obvious error of a typographical or similar nature." Ex. 3001. Petitioner wished to address how the cited cases apply to the prior art at issue. *Id.*

Patent Owner opposed Petitioner's request, arguing that the Board was capable of evaluating whether the cited cases apply to the prior art.

During the conference call, after hearing from both parties, the Board denied Petitioner's request. The Board agreed with Patent Owner. Should the cited cases be pertinent to the institution decision, the Board is capable of evaluating whether and how the cited cases apply to the facts without any additional briefing.

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PETITIONER:

Jared Newton
jarednewton@quinnemanuel.com

James Glass
jimglass@quinnemanuel.com

Nima Hefazi
nimahefazi@quinnemanuel.com

PATENT OWNER:

Nicoletta Kennedy
nkennedy@kilpatricktownsend.com

Megan Bussey
mbussey@kilpatricktownsend.com

Phillip Morton
pmorton@cooley.com

Eamonn Gardner
egardner@cooley.com