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Paper 7
Date: February 2, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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FERNO-WASHINGTON, INC. and FERNO GROUP, INC.,
Petitioner,

v.

STRYKER CORPORATION,
Patent Owner.

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IPR2024-00042
Patent RE44,884 E

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Before HYUN J. JUNG, JAMES A. TARTAL, and MICHAEL L. WOODS, *Administrative Patent Judges*.

WOODS, *Administrative Patent Judge*.

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

Ferno-Washington, Inc. and Ferno Group, Inc. (collectively, "Petitioner") filed as an exhibit in support of its Petition (Paper 2) the Declaration of Glen Stevick, Ph.D, P.E. (the "Declaration," Ex. 1002). In its Preliminary Response, Stryker Corporation ("Patent Owner") noted that the Declaration was unsigned and, therefore, did not comply with 37 C.F.R. §42.11(b). Paper 6, 2 n.1. Subsequently, Petitioner requested leave to file a corrected version of the Declaration. *See* Ex. 3001 (email correspondence from counsel for Petitioner to the Board dated January 22, 2024). Thereafter, Patent Owner informed the Board that it "does not oppose the filing of only a dated, signed declaration (i.e., a corrected version of Ex. 1002) that is substantively unchanged from the previously-filed Ex. 1002." *See* Ex. 3002 (email correspondence from counsel for Patent Owner to the Board dated January 22, 2024).

On January 31, 2024, we held a conference call with Petitioner and Patent Owner to discuss Petitioner's request. During the call, Petitioner represented that Dr. Stevick's signed and dated signature page was inadvertently omitted from Exhibit 1002. Further, Patent Owner confirmed that it does not oppose Petitioner's request to correct the Declaration, provided that Petitioner does not make any substantive changes to the version of Exhibit 1002 originally-filed with the Petition. Petitioner additionally represented that it would file, if permitted, a supplemental declaration from Dr. Stevick confirming he had signed the Declaration prior to the filing of the Petition.

We appreciate the willingness of the Parties to reach agreement on Petitioner's request. As further clarification to our prior discussion with the Parties, Petitioner's unopposed request to file a corrected exhibit is granted

as set forth below. No further supplemental declaration is necessary or authorized to be filed at this time.

Accordingly, it is

ORDERED that Petitioner is authorized to file, within one week of this order, a corrected version of the Declaration of Glen Stevick, Ph.D., P.E., as a new exhibit;

FURTHER ORDERED that the corrected version of the Declaration shall be identical to the original Declaration (Exhibit 1002) but for the replacement of the inadvertently-omitted signature page reflecting Dr. Stevick's signature and date; and

FURTHER ORDERED that the Parties shall continue to refer to and cite Exhibit 1002 to preserve the citations to the Declaration in previously filed papers.

FOR PETITIONER:

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