

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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THE BOEING COMPANY,  
Petitioner,

v.

THE REGENTS OF THE UNIVERSITY OF CALIFORNIA,  
Patent Owner.

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IPR2024-00761  
Patent 7,487,684 B2

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Before JENNIFER S. BISK, JOHN A. HUDALLA, and  
DONALD E. DAYBELL, *Administrative Patent Judges*.

DAYBELL, *Administrative Patent Judge*.

ORDER  
Granting Unopposed Motion for Authorization to Apply for a Subpoena  
*35 U.S.C. § 24; 37 C.F.R. § 42.50*

The Regents of the University of California (“Patent Owner”) move for authorization to apply for a subpoena under 35 U.S.C. § 24 to compel the deposition testimony of Ms. LaTonya Morris, who submitted a declaration (Exhibit 1035) in this proceeding. Paper 13 (Unopposed Motion). Patent Owner also includes a proposed subpoena. Ex. 2002. Patent Owner states that Petitioner has represented that Ms. Morris’ employer requires a subpoena for Ms. Morris to testify as to the subject matter of her declaration. *Id.* at 4. Patent Owner further states that the parties and counsel for Ms. Morris have met and conferred and agreed to a deposition via videoconference (e.g., Zoom). *Id.* at 5. Patent Owner provides a list of proposed deposition topics. *Id.* at 2–3; Ex. 2002. By separate e-mail, the parties further confirm that they and Ms. Morris have agreed that the deposition shall be limited to 4 hours of cross-examination. Ex. 3001, 1. Petitioner indicates that it wishes to reserve time for a brief re-direct if needed. *Id.*

Upon review of the Unopposed Motion, we find that Patent Owner is entitled to the requested relief. *See* 37 C.F.R. § 42.20(c); *see also* 37 C.F.R. § 42.51(b)(1)(ii) (authorizing cross-examination of affidavit testimony prepared for the proceeding as routine discovery). Patent Owner is authorized to apply for a subpoena under 35 U.S.C. § 24 from the clerk of the United States district court for the district where the testimony of Ms. Morris is to be taken. The deposition of Ms. Morris will be conducted via videoconference, and will be limited to 4 hours of cross-examination and 30 minutes of re-direct examination. The deposition shall be limited to the topics set forth by Patent Owner in Exhibit 2002.

It is so ORDERED.

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