

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

NOKIA OF AMERICA CORPORATION and
AT&T SERVICES, INC.,
Petitioners,

v.

IARNACH TECHNOLOGIES LIMITED,
Patent Owner.

IPR2024-00899
Patent 9,806,892 B2

Before KARA L. SZPONDOWSKI, CHRISTOPHER L. OGDEN, and
JOHN R. KENNY, *Administrative Patent Judges*.

KENNY, *Administrative Patent Judge*.

ORDER
Granting Petitioner's Unopposed Motion to File Corrected Petition
37 C.F.R. § 42.104(c)

Pursuant to our authorization, Petitioner filed an “Unopposed Motion to File Corrected Petition Under 37 C.F.R § 42.104(c)” (Paper 15 (“Mot.”). Petitioner seeks to correct “a typographical error on page 1 of the Petition [Paper 3], where the Petition mistakenly refers to ‘Claims 1–11 (‘the Challenged Claims’) of U.S. Patent No. 8,934,359 (‘the ’359 patent’).” Mot. 1. Petitioner explains “[a]s is evident from the remainder of the Petition, this language should have read ‘Claims 1–5 and 10–15 (‘the Challenged Claims’) of U.S. Patent No. 9,806,892 (‘the ’892 Patent’).” *Id.* Petitioner wants to make this correction and to update the Petition’s Certificate of Word count accordingly. *Id.*

Accompanying its Motion, Petitioner filed a proposed Corrected Petition in clean and redline versions as Appendices A and B, respectively (also in Paper 15). Petitioner represents that Patent Owner does not oppose the Motion. Mot. 1.

The Board has considered a number of factors when determining whether to allow the correction of a petition under § 42.104(c), including:

- (i) the nature of the error, and whether the party requesting relief provides adequate explanation for how the error occurred, including how the error was discovered;
- (ii) the length of time elapsed between learning of the error and bringing the error to the Board’s attention;
- (iii) prejudice to the other party, if any, by allowing the proposed corrections; and
- (iv) whether the proposed corrections have any impact on the proceeding.

See Ivantis, Inc. v. Glaukos Corp., IPR2018-01180, Paper 14 at 9 (PTAB Dec. 6, 2018); *Nitro Fluids, L.L.C. v. Cameron Int’l Corp.*, IPR2019-00852, Paper 20 (PTAB Nov. 12, 2019). These factors favor granting the Motion.

Petitioner explains that the statement to be corrected was carried over from a petition filed on the same day. Mot. 2. Petitioner further explains that it became

aware of the error when the Preliminary Response was filed. *Id.* at 3. Petitioner argues that it promptly informed Patent Owner of Petitioner’s desire to correct the error and then promptly sought permission from the Board to file this Motion. *Id.* at 4. Further, Petitioner argues that Patent Owner will not be prejudiced by the Motion and the proceedings will not be impacted because the Argument section of the Petition accurately identifies the claims at issue and the patent at issue. *Id.* at 4–5.

We find these explanations and arguments by Petitioner persuasive, particularly in light of the unopposed nature of the Motion. Therefore, we grant the Motion.

ORDER

It is

ORDERED that Petitioner’s Unopposed Motion to Correct Petition (Paper 15) is *granted*;

FURTHER ORDERED Petitioner shall add the term “Corrected” to the beginning of the title of the cover page of the Corrected Petition (Appendix A), but make no other changes to the Corrected Petition; and

FURTHER ORDERED that Petitioner shall file the Corrected Petition (Appendix A) with the term “Corrected” added as specified above as the next paper number within FIVE business days from the issuance of this Order. The filing shall be labeled as “Corrected Petition” in PTAB E2E.

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