

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

138 EAST LCD ADVANCEMENTS LIMITED,
Patent Owner.

IPR2024-00958
Patent 8,482,638 B2

Before KRISTEN L. DROESCH, GEORGE R. HOSKINS, and
KEVIN C. TROCK, *Administrative Patent Judges*.

TROCK, *Administrative Patent Judge*.

ORDER

Granting Patent Owner's Unopposed Motion to Submit Exhibits
37 C.F.R. § 42.5(a)

On April 16, 2025, the Board, via email, approved Patent Owner's request to file an Unopposed Motion to Submit Exhibits (Paper 13, "Motion"). After due consideration, we now grant Patent Owner's motion to submit Exhibits 2002 and 2003, as well as to file an updated exhibit list.

Patent Owner's Motion explains that on March 24, 2025, Patent Owner filed a Non-Contingent Motion to Amend U.S. Pat. No. 8,482,638 (the "'638 patent"). Mot. 1 (citing Paper 9 ("Motion to Amend")). With its Motion to Amend, Patent Owner submitted Exhibit 2001, a translation of Japanese Pat. App. No. 2009-295202, which is the foreign priority application for the '638 patent. According to Patent Owner, consideration of Exhibit 2001 is necessary under 37 C.F.R. § 42.121(b)(2), which requires the Motion to Amend to set forth the support in an earlier-filed disclosure for each claim for which the benefit of the filing date of the earlier-filed disclosure is sought. The Motion to Amend notes the support for the proposed substitute claims in Exhibit 2001, the foreign priority application. Paper 9, 5–10.

Patent Owner, however, did not file copies of Exhibit 2003 (the certification of translation of Ex. 2001) and Exhibit 2002 (the Japanese language version of Japanese Pat. App. No. 2009-295202), as well as an exhibit list as required by 37 C.F.R. § 42.63(e). Patent Owner now requests permission to file Exhibits 2002 and 2003, as well as an updated exhibit list, and submits that its request should be granted because consideration of these documents would be in the interests of justice. According to Patent Owner, filing the certification of translation and the Japanese language version of Japanese Pat. App. No. 2009-295202 will help the Board fully evaluate the support for the proposed substitute claims as set forth in the Motion to

Amend. Mot. 2. Patent Owner points out that the Board has allowed parties to file exhibits after the original submission in similar circumstances. *See* Mot. 2 (citing, *e.g.*, *Trend Micro, Inc. v. Open Text Inc.*, IPR2023-01389, Paper 7 at 3 (PTAB Jan. 29, 2024) (permitting petitioner to file inadvertently omitted appendices to a timely submitted expert declaration)).

Patent Owner requests that its unopposed motion to submit exhibits be granted, and that Patent Owner be permitted to file copies of Exhibits 2002 and 2003, as well as an updated exhibit list.

Accordingly, finding that good cause exists, it is

ORDERED that Patent Owner's Motion to Submit Exhibits is granted; and

FURTHER ORDERED that Patent Owner may file copies of Exhibits 2002 and 2003, as well as an updated exhibit list.

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Patent 8,482,638 B2

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