

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

APPLE INC.,
Petitioner,

v.

SMITH INTERFACE TECHNOLOGIES, LLC,
Patent Owner.

IPR2024-01085
Patent No. 10,649,580 B1

Before JEFFREY S. SMITH, BARBARA A. BENOIT, and
NATHAN A. ENGELS, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

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

In an e-mail to the Board, Petitioner requests authorization to file (1) “a corrected ‘Listing of Claims’” and (2) a two-page preliminary reply to Patent Owner’s Preliminary Response (Paper 6). Ex. 3001. Our rules permit a petitioner to request authorization to file a reply to a preliminary response upon a showing of good cause. 37 C.F.R. § 42.108(c) (2023). Petitioner’s e-mail states that “good cause for further briefing on these issues exists, at least because briefing would clarify the record and aid the Board in deliberations on issues that are potentially dispositive to institution.” Ex. 3001.

Although Petitioner filed a “Listing of Claims” in its Petition (Paper 2, vi–xvi), Petitioner requests leave to file another “Listing of Claims” that would be “consistent with the element-by-element analysis of the Petition and consistent with the expert declaration.” Ex. 3001. Petitioner also requests leave to file briefing to address Patent Owner’s arguments that Petitioner did not address all elements recited by the claims. *See, e.g.*, Paper 6, 9–11.

Patent Owner opposes Petitioner’s request. Ex. 3001. Patent Owner contends that Petitioner’s requested briefing is not necessary for the Board to determine whether the Petition addresses all claim limitations with sufficient particularity. *Id.* Having reviewed the Petition and Patent Owner’s Preliminary Response, we agree with Patent Owner.

Accordingly, we find that Petitioner has not shown good cause for its requested additional briefing.

Although Petitioner offered some timeframes when the parties are available “should the Board desire a call to discuss this request,” we do not find a call to be necessary in the particular circumstances of this case. *Id.*

ORDER

In view of the foregoing, it is hereby:

ORDERED that Petitioner’s request for authorization to file a second “Listing of Claims” and a reply to Patent Owner’s Preliminary Response is denied.

PETITIONER:

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