Trials@uspto.gov
571-272-7822

Paper 8
Entered: November 15, 2024

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

DR. SQUATCH, LLC
Petitioner

v.

THE PROCTER & GAMBLE COMPANY
Patent Owner

IPR2024-01104 (Patent 11,540,999 B2)
IPR2024-01105 (Patent 10,966,915 B2)
IPR2024-01173 (Patent 10,905,647 B2)
IPR2024-01174 (Patent 11,497,706 B2)[1]

Before JOHN G. NEW, SHERIDAN K. SNEDDEN, and SUSAN L. C. MITCHELL, *Administrative Patent Judges.*

SNEDDEN, *Administrative Patent Judge*.

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

---

[1] This order addresses issues that are common to both cases. We, therefore, exercise our discretion and issue a single order that has been entered in each case. The parties may use this style caption when filing a single paper in multiple proceedings, provided that such caption includes a footnote attesting that "the identical paper is filed in each proceeding identified in the caption."

On November 14, 2024, Petitioner sent an e-mail to the Board requesting authorization to file a Reply in each of IPR2024-01104, IPR2024-01105, IPR2024-01173, and IPR2024-01174 to address Patent Owner's argument in the Preliminary Response that the Petition should be discretionarily denied under 35 U.S.C. § 325(d). Ex. 3001.[2] The relevant portion of the email reads as follows:

> Petitioner Dr. Squatch requests authorization to file replies to the Patent Owner Responses in the referenced IPRs. The proposed replies would be limited to (i) 5 pages and (ii) addressing P&G's 325(d) arguments. Petitioner also proposes that Patent Owner P&G be afforded sur-replies of equal length.
>
> Petitioner has conferred with Patent Owner on this request and Patent Owner does not oppose, so long as it is permitted sur-replies of equal length. If the Board believes a conference call is needed for this request, the parties can provide availability for the same.

Upon consideration of Petitioner's request, the panel agrees that the requested briefing could be helpful in our determination as to whether to grant *inter partes* review in each of these proceedings.

Accordingly, it is

ORDERED that Petitioner's request to file a Reply to Patent Owner's Preliminary Response to address the 35 U.S.C. § 325(d) issue raised by Patent Owner is *granted*;

---

[2] The Exhibit number refers to entry of the email in IPR2024-01104. The mail has been entered as an Exhibit in each of the captioned *inter partes* reviews.

FURTHER ORDERED that Petitioner's Reply shall be no longer than five (5) pages and may be filed no later than November 20, 2024;

FURTHER ORDERED that Patent Owner is authorized to file a Sur-Reply to Petitioner's Reply that shall be no longer than five (5) pages and may be filed no later than seven (7) business days after Petitioner's Reply.

PETITIONER:

Justin J. Oliver
Sarah S. Brooks
VENABLE LLP
joliver@venable.com
ssbrooks@venable.com

PATENT OWNER:

David Maiorana
Marlee Hartenstein
Jesse Wynn
JONES DAY
dmaiorana@jonesday.com
mhartenstein@jonesday.com
jwynn@jonesday.com