

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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DR. SQUATCH, LLC  
Petitioner

v.

THE PROCTER & GAMBLE COMPANY  
Patent Owner

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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)<sup>1</sup>

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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*

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<sup>1</sup> 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.”

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)

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.<sup>2</sup> 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*;

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<sup>2</sup> 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.

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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:

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