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Paper 21
Date: June 4, 2025

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PASCAL TECHNOLOGIES,
Petitioner,

v.

CAMBRIDGE ENTERPRISE LIMITED, UNIVERSITAT DE BARCELONA, and UNIVERSITAT POLITÈCNICA DE CATALUNYA,
Patent Owner.

IPR2024-01235
Patent 11,230,656 B2

Before HYUN J. JUNG, CARL M. DEFRANCO, and DEVON ZASTROW NEWMAN, *Administrative Patent Judges*.

NEWMAN, *Administrative Patent Judge*.

ORDER

Granting Motion to Submit Supplemental Information
37 C.F.R. § 42.123 (a)

Following a conference call on April 29, 2025, we authorized briefing on Petitioner's request to file a motion to submit supplemental information. *See* Paper 15, 3–4. Petitioner timely filed a Motion to Submit Supplemental Information on May 13, 2025, which appended the proposed supplemental material to the motion. Paper 16 ("Motion"). *See* Paper 15, 4. Patent Owner did not file a response within the permitted seven calendar days of Petitioner's motion. *Id*.

Petitioner's Motion to Submit Supplemental Information

Petitioner requests permission to file supplemental evidence consisting of a Supplemental Declaration of Sylvia Hall-Ellis, Ph.D., in Support of Petition for Inter Partes Review of U.S. Patent No. 11,230,656 (the "Supplemental Declaration"), with Attachments. Motion 2.[1] Petitioner alleges that the Supplemental Declaration "is relevant to claims 1–3, 6–11, and 14–16 of the '656 Patent and addresses public availability of" the four references[2] that are the basis of the five patentability challenges in the Petition. *Id.* at 3; *see also* Paper 1, 8 (grounds of challenge). Petitioner notes that we identified a potential need to address the public availability of Xie in our Decision on Institution and noted that Petitioner could address this issue "through the supplemental information process (37 C.F.R. § 42.23)." *See* Paper 8 at 20–21, n.5.[3]

[1] Pages 11–470 of the Motion are the appended Supplemental Declaration and Attachments.

[2] The references are Exhibits 1006 ("Xie"), 1007 ("Mañosa"), 1009 ("Patel"), and 1021 ("Tamarit") (named "the NPL references" in the Moption). *See* Paper 1, 8; Motion 1.

[3] As Petitioner notes in its motion, as of the time of the April 29, 2025, conference call, Patent Owner had both challenged the status of Petitioner's

Petitioner states that, during the conference call on April 29, 2025, the parties presented their positions on whether Petitioner should be permitted to seek to introduce the Supplemental Declaration. Motion 2. Petitioner states that "Patent Owner only opposed introduction of the supplemental information prior to resolution of its request for Director review." *Id*. This characterization is consistent with our understanding of Patent Owner's position during the conference call.

On May 22, 2025, the Director issued an Order Denying Director Review of Institution Decision. Paper 18. This moots Patent Owner's reason for opposing Petitioner's Motion, and, having submitted no responsive briefing to the Motion, Patent Owner has identified no other argument to substantiate its opposition. We conclude that Petitioner has established good cause to file the materials identified in the Motion (*see* Motion 2–5), and grant Petitioner's Motion.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner's Motion to Submit Supplemental Information Pursuant to 37 C.F.R. § 42.123(a) is GRANTED; and

FURTHER ORDERED that the Supplemental Information shall be filed within seven calendar days from the date of this Order.

references as prior art in its Patent Owner Preliminary Response (Paper 6) and filed a Request for Director Review and objections to the NPL references on the basis of public availability. *See* Paper 10, 5–10; Paper 11, 2.

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