

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CHARTER COMMUNICATIONS, INC.,
Petitioner,

v.

IARNACH TECHNOLOGIES LTD.,
Patent Owner.

IPR2024-01287
Patent 9,287,982 B2

Before KARA L. SZPONDOWSKI, CHRISTOPHER L. OGDEN, and
RUSSELL E. CASS, *Administrative Patent Judges*.

SZPONDOWSKI, *Administrative Patent Judge*.

ORDER

Granting Petitioner's Motion to Submit Supplemental Information
37 C.F.R. § 42.123

Trial was instituted in IPR2024-01287 on February 20, 2025. Paper 12. With the Board’s authorization, Charter Communications, Inc. (“Petitioner”), filed a Motion to Submit Supplemental Evidence.¹ Paper 17, “Motion”; Ex. 3001. Patent Owner Iarnach Technologies Ltd. did not file an opposition. For the reasons set forth below, we grant the Motion.

In its Motion, Petitioner requests to have proposed Exhibits 1011–1014 entered. These exhibits constitute: (1) the Declaration of Thomas Dickson (“Dickson Declaration”)² (Exhibit 1011), (2) the Declaration of Raymond R. Ricordati III (“Ricordati Declaration”) (Exhibit 1012), (3) a copy of a web archived version of MEF Technical Specification, MEF 6.1, Ethernet Services Definitions – Phase 2, April 2008, retrieved on November 19, 2008 (Exhibit 1013), and (4) a copy of WO2011/003478 (Exhibit 1014). Motion 1–3. Petitioner states that these Exhibits were served on Patent Owner on March 20, 2025, in response to objections to evidence filed by Patent Owner on March 6, 2025, objecting to, among other things, the authenticity of Exhibit 1007.³ Motion 1–2; Paper 14 (Patent Owner’s Objections to Petitioner’s Evidence Pursuant to 37 C.F.R. § 42.64(b)(1));

¹ We treat Petitioner’s Motion as a Motion to Submit Supplemental Information under 37 C.F.R. § 42.123(a). Supplemental evidence is *served* on an opposing party in response to an objection. 37 C.F.R. § 42.64(b)(2). Supplemental information is additional information that may be *filed* after institution of trial. 37 C.F.R. § 42.123(a).

² On page 2 of the Motion, Petitioner refers to the “Hall-Ellis Declaration.” This appears to be a typographical error, because Petitioner moves to submit the Dickson Declaration (Ex. 1011), and does not refer to the Hall-Ellis Declaration again. *See* Motion 1.

³ Exhibit 1007 is MEF Technical Specification, MEF 6.1, Ethernet Services Definitions – Phase 2, April 2008 (“MEF 6.1”). Paper 1, 22. MEF 6.1 is a secondary reference for two asserted grounds in the Petition. *Id.*; Motion 1.

37 C.F.R. § 42.64(b)(2) (requiring that supplemental evidence must be served within ten business days of service of the objection). Petitioner explains that proposed Exhibits 1011–1014 provide additional testimony and evidence regarding the publication and authenticity of MEF 6.1. Motion 3.

Under 37 C.F.R. § 42.123(a), a party may file a motion to submit supplemental information if the following requirements are met: (1) a request for authorization to file such motion must be made within one month of the date the trial was instituted; and (2) the supplemental information must be relevant to a claim for which trial has been instituted. In addition to these requirements, the Board considers the motion in light of its mandate under 37 C.F.R. § 42.1(b), i.e., “to secure the just, speedy, and inexpensive resolution of every proceeding.”

Petitioner’s request for authorization was timely under 37 C.F.R. § 42.123(a)(1) because Petitioner requested authorization to file the Motion on March 20, 2025, which is within one month of the Institution Decision. *See* Ex. 3001; Paper 12 (Institution Decision, filed Feb. 20, 2025); Motion 3. Further, Petitioner also timely served the supplemental evidence within ten business days after Patent Owner filed objections to evidence. 37 C.F.R. § 42.64(b)(2); Paper 14; Motion 1, 3.

Petitioner also contends that that “[t]he Dickson Declaration provides testimony regarding the publication and authenticity of MEF 6.1, which is a secondary reference in both Grounds 2 and 4,” and “the Ricordati Declaration and supporting exhibits also provide additional evidence regarding the authenticity and public accessibility of MEF 6.1.” Motion 3. Petitioner states that submission of Exhibits 1011–1014 “would not change the grounds of unpatentability or any of the evidence initially presented in

the Petition to support those grounds of unpatentability.” *Id.* Because MEF 6.1 serves as a basis of the grounds of unpatentability challenged in the Petition, we are persuaded that the proposed Exhibits relating to the alleged public accessibility and authenticity are relevant to the instituted claims.

Accordingly, Petitioner has met the requirements in § 42.123(a) for filing a motion to submit supplemental information. Petitioner further contends that submission of proposed Exhibits 1011–1014 “would not interfere with the just, speedy, and inexpensive resolution of this proceeding, nor would it prejudice Patent Owner.” Motion 4. We agree. As Petitioner points out, “Patent Owner was provided with the information on March 20, 2025, well before its current May 15, 2025 response date.” *Id.*

Accordingly, Petitioner’s Motion is *granted*.

In consideration of the foregoing, it is hereby

ORDERED that Motion to Submit Supplemental Information (Paper 17) is *granted*; and

FURTHER ORDERED that Exhibits 1011–1014 are entered into the record of this proceeding.

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Patent 9,287,982 B2

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