

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CLEARCORRECT OPERATING, LLC,
Petitioner,

v.

ALIGN TECHNOLOGY INC.,
Patent Owner.

IPR2025-00816
Patent 11,369,456 B2

Before KEVIN F. TURNER, KRISTINA M. KALAN, and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

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

Patent Owner and Petitioner contacted the Board via respective emails on May 26, 2026. Ex. 3001. Patent Owner, in its email, requested authorization to “file a motion to strike the supplemental declaration of Petitioner’s expert Dr. Yadav (Ex. 1040), Ex. 1043, and any corresponding portions of the petitioner reply.” *Id.* Petitioner, in its email, opposed Patent Owner’s position, but requested authorization to file an equal-length response if Patent Owner were authorized to file a motion. *Id.*

The parties are reminded that email correspondence with the Board is not the proper vehicle to make substantive arguments.

Having considered the parties’ requests, we are unpersuaded that a motion to strike is warranted. Insofar as Patent Owner would like to make of record those portions of Ex. 1040, Ex. 1043, and Petitioner’s Reply it contends are new arguments, Patent Owner is authorized to file a paper calling the Board’s attention to specific portions of each of those filings it believes raise new arguments. The paper will be in the form of a numbered, itemized list, providing the paper, page, and line number location only, of any portion of Ex. 1040, Ex. 1043, and Petitioner’s Reply that Patent Owner wishes to draw to the Board’s attention as alleged new argument. Patent Owner’s paper shall not include any substantive arguments, and no new evidence is permitted to be filed with the paper. The paper is limited to two (2) pages and must be filed no later than three (3) business days from the date of this order.

We also authorize Petitioner to file a responsive paper. If filed, the responsive paper shall identify, using the same numbering and itemized manner as the list in Patent Owner’s paper, the portion of the document challenged as raising new arguments, and the material contained in any

earlier-filed document, by paper, page, and line number only, that represents material to which each challenged portion properly responds. The responsive paper shall not include any substantive arguments and no new evidence is permitted to be filed with the responsive paper. The responsive paper is also limited to two (2) pages and, if filed, must be filed no later than three (3) business days from the date of Patent Owner's initial paper.

The Board will consider the information submitted by each party in making the Final Written Decision to determine what weight, if any, is to be given to all of the presented evidence and arguments in accordance with the rules of the Board. No conference call is necessary at this time.

ORDER

Accordingly, it is:

ORDERED that Patent Owner's request for leave to file a motion to strike is *denied*; and

FURTHER ORDERED that the parties are authorized to file the papers identified and described in this order.

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Patent 11,369,456 B2

PETITIONER:

Luke McCammon
Charles Collins-Chase
Jency Mathew
Anthony J. Berlenbach
Jason E. Stach
Finnegan, Henderson, Farabow
Luke.McCammon@finnegan.com
Charles.Collins-Chase@finnegan.com
Jency.Mathew@finnegan.com
Anthony.Berlenbach@finnegan.com
Jason.Stach@finnegan.com

PATENT OWNER:

Michael T. Rosato
Matthew A. Argenti
Patrick M. Medley
Tasha M. Thomas
WILSON SONSINI GOODRICH &
ROSATI
mrosato@wsgr.com
margenti@wsgr.com
pmedley@wsgr.com
tthomas@wsgr.com