

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.,
Petitioner,

v.

MOSKOWITZ FAMILY LLC,
Patent Owner.

IPR2026-00162
Patent 12,011,367 B2

Before MEREDITH C. PETRAVICK, JAMES A. TARTAL and
ERIC C. JESCHKE, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

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

On July 10, 2026, Judges Petravick, Tartal, and Jeschke held a conference call with counsel for both parties. This Order memorializes the conference call.

Patent Owner requested the conference call to seek additional word count for its Patent Owner Response. Ex. 3003. During the call, Patent

Owner explained that it needed an additional 6,000 words in order to present evidence and argument showing that Palmatier (U.S. Patent No. 9,445,919) is not prior art because the claimed invention was allegedly conceived and diligently reduced to practice before Palmatier's filing date.

Petitioner opposed the request, noting that the Petition was only 9,712 words.

After hearing from both parties, during the call, the Board determined that good cause existed to grant Patent Owner's request. The Board authorized an additional 6,000 words, for a total of 20,000 words, for the Patent Owner Response. *See* 37 C.F.R. § 42.24 (a)(1)(i) (providing for 14,000 words for *inter partes* review petitions), (b)(2) (setting the word count for a patent owner response to the same as for petitions). Patent Owner has the burden to produce evidence of prior conception and diligent reduction to practice in its Patent Owner Response, and, under the circumstances here, the additional word count gives Patent Owner sufficient opportunity to present all of its evidence and arguments.

The Board also increased the word count for Petitioner's Reply to the Patent Owner Response by 6,000 words, for a total of 11,600 words. *See* 37 C.F.R. § 42.24 (c)(1) (setting the word count of a reply to a patent owner response to 5,600 words). An additional 6,000 words provides sufficient opportunity for Petitioner to respond to Patent Owner's argument and evidence of prior conception and diligent reduction to practice.

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