

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MEDTRONIC, INC.,
Petitioner,

v.

MOSKOWITZ FAMILY LLC,
Patent Owner.

IPR2026-00216
Patent 10,016,284 B2

Before MEREDITH C. PETRAVICK, ERIC C. JESCHKE, and BRIAN D.
RANGE, *Administrative Patent Judges*.

PETRAVICK, *Administrative Patent Judge*.

ORDER
Granting Additional Word Count for
Patent Owner Responses and Petitioner's Reply
37 C.F.R. § 42.5

Patent Owner requested an additional 6,000 words for its Patent Owner Response to present evidence and argument concerning alleged conception and diligent reduction to practice before the prior art's filing date. *See* Ex. 3001; *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).

Petitioner did not oppose Patent Owner's request as long as we increase the word count for the Petitioner's Reply a corresponding amount. Ex. 3001; *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).

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. Likewise, an additional 6,000 words for the Petitioner's Reply provides sufficient opportunity for Petitioner to respond to Patent Owner's argument and evidence of prior conception and diligent reduction to practice.

It is:

ORDERED that the word count limit for the Patent Owner Response is increased by 6,000 words, for a total of 20,000 words; and

FURTHER ORDERED that the word count limit for the Petitioner's Reply is increased by 6,000 words, for a total of 11,600 words.

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FOR PETITIONER:

Naveen Modi
Young Park
Chetan Bansal
PAUL HASTINGS LLP
PH-Medtronic-Moskowitz-IPR@paulhastings.com
naveenmodi@paulhastings.com
youngpark@paulhastings.com
chetanbansal@paulhastings.com

FOR PATENT OWNER:

Eric A. Zelepugas
Robert A. Conley
AVANTECH LAW, LLP
zelepugas@avantechlaw.com
conley@avantechlaw.com