

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HUHTAMAKI FLEXIBLE PACKAGING GERMANY GMBH & CO. KG,
Petitioner,

v.

ADAPA FLEXIBLES DENMARK SLAGELSE A/S
f/k/a DANAPAK FLEXIBLES A/S,¹
Patent Owner.

PGR2023-00008
Patent 11,260,624 B2

Before JO-ANNE M. KOKOSKI, KRISTINA M. KALAN, and
BRIAN D. RANGE, *Administrative Patent Judges*.

KALAN, *Administrative Patent Judge*.

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

¹ Patent Owner represents that “Danapak Flexibles A/S has changed its name to adapa flexibles Denmark Slagelse A/S.” Paper 23, 2 (Patent Owner’s Second Updated Mandatory Notices).

Patent Owner and Petitioner each contacted the Board via separate emails on March 28, 2024. Ex. 3001. Petitioner, in its email, requested authorization to file a motion to strike certain arguments from Patent Owner's Reply to Opposition to Revised Motion to Amend, and requested a conference call. *Id.* Patent Owner, in its email, represents that Patent Owner's arguments are not new and that Petitioner's Opposition includes new arguments. *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 Petitioner would like to make of record those portions of Patent Owner's Reply to Opposition to Revised Motion to Amend it contends are new arguments, Petitioner is authorized to file a paper calling the Board's attention to specific portions of each Reply to Opposition to Revised Motion to Amend 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 Patent Owner's Reply to Opposition to Revised Motion to Amend that Petitioner wishes to draw to the Board's attention as alleged new argument. Petitioner'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 Patent Owner to file a similar paper calling the Board's attention to specific portions of each Opposition to Revised Motion to Amend it believes raise new arguments. The paper will take the same

form and length and have the same deadlines as the paper authorized by the previous paragraph.

We also authorize each party to file a responsive paper. If filed, the responsive paper shall identify, using the same numbering and itemized manner as the list in the initial 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. Each responsive paper is also limited to two (2) pages and, if filed, must be filed no later than two (2) business days from the date of the 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 Petitioner'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 11,260,624 B2

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