

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EDWARDS LIFESCIENCES CORPORATION,
Petitioner,

v.

ENDOHEART AG,
Patent Owner.

Case IPR2016-00299 (Patent 8,182,530 B2)
Case IPR2016-00300 (Patent 8,182,530 B2)¹

Before LORA M. GREEN, RAMA G. ELLURU,
and ROBERT A. POLLOCK, *Administrative Patent Judges*.

POLLOCK, *Administrative Patent Judge*.

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

¹ This Decision addresses issues that are common to each of the above-referenced cases. We, therefore, issue a single Decision that has been entered in each case. The parties are not authorized to use this style caption unless otherwise instructed by the Board.

Case IPR2016-00299 (Patent 8,182,530 B2)

Case IPR2016-00300 (Patent 8,182,530 B2)

Petitioner, via a February 24, 2016 email communication to the Board, indicated that the Petitions' identification of Edwards Lifesciences, LLC, and Edwards Lifesciences Corporation as real-parties-in-interest included a typographical error with respect to the relationship between the two entities. Petitioner sought authorization to clarify that relationship via a motion under 37 C.F.R. § 42.104(c), but indicated that counsel for Endoheart might oppose that motion, subject to the receipt of "information [] about the nature of the error, how it arose, and how it should be corrected."

By email communication dated February 24, 2016, the Board urged the parties to resolve the issue amongst themselves.

By email communication dated March 4, 2016, counsel for Petitioner stated that "no resolution has been reached" and requested a conference call with the Board.

A conference call was held on March 7, 2016, between Judges Green, Elluru, and Pollock, and respective counsel for the parties, Todd Baker, Ruby Natnithithadha, and Catherine Nyarady for Petitioner, and Edward Arons and Joel Weiss for Patent Owner. During the call, Petitioner's counsel explained that, upon recognizing the error, Petitioner provided Patent Owner with a declaration and publically available document clarifying that Edwards Lifesciences Corporation is the parent company of Edwards Lifesciences, LLC. Petitioner's counsel now requests authorization to file a motion to correct a clerical or typographical mistake in the petition pursuant to 37 C.F.R. § 42.104(c). Patent Owner's counsel stated that Patent Owner does not presently oppose the motion, but seeks to preserve the right to oppose the motion once it is filed.

Case IPR2016-00299 (Patent 8,182,530 B2)

Case IPR2016-00300 (Patent 8,182,530 B2)

We grant Petitioner's request to file a motion under 37 C.F.R. § 42.104(c), such motion is due within 2 weeks of the entry of this Order and shall not exceed 5 pages. To the extent Patent Owner finds reason to oppose Petitioner's motion, we authorize the filing of an opposition brief, due within 2 weeks of Petitioner's filing and not to exceed 5 pages.

ORDER

Accordingly, it is

ORDERED that Petitioner's request to file a motion under 37 CFR § 42.104(c) to clarify that Edwards Lifesciences Corporation is the parent company of Edwards Lifesciences, LLC. is granted;

ORDERED that Petitioner's motion is due within two weeks of this Order and shall not exceed 5 pages;

ORDERED that Patent Owner may respond on the merits to Petitioner's motion under 37 CFR 42.104(c);

FURTHER ORDERED that, in the event Patent Owner elects to so respond, any such motion is due within two weeks of the filing of Petitioner's motion and shall not exceed 5 pages.

Case IPR2016-00299 (Patent 8,182,530 B2)

Case IPR2016-00300 (Patent 8,182,530 B2)

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