

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ELEKTA INC.  
Petitioner,

v.

VARIAN MEDICAL SYSTEMS, INC.  
Patent Owner.

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Case IPR2016-00317 (Patent 7,945,021 B2)  
Case IPR2016-00476 (Patent 8,116,430 B1)<sup>1</sup>

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Before BRIAN J. MCNAMARA, PATRICK M. BOUCHER, and  
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

Scheduling Order  
37 C.F.R. § 42.5

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<sup>1</sup> The parties are not authorized to use this style of caption.

IPR2016-00317 (Patent 7,945,021 B2)  
IPR2016-00476 (Patent 8,116,430 B1)

On January 17, 2017, the parties contacted the Board via email to jointly request authorization to move Due Date 6 (the deadline for any reply for a motion to exclude evidence) in IPR2016-00317 and IPR2016-00476 from February 8, 2017 to February 17, 2017. The joint request explains these proceedings are currently scheduled for oral argument on February 28, 2017 and will coincide with the oral argument in related proceeding IPR2016-00547. For deposition scheduling purposes across all three proceedings, the parties have agreed to move Due Date 4 (the deadline for any motion for observation regarding cross-examination of reply witness, any motion to exclude evidence, and any request for oral argument) in IPR2016-00317 and IPR2016-00476 to January 27, 2017 to coincide with Due Date 4 in IPR2016-00547. The parties have also agreed to move Due Date 5 (the deadline for any response to observation and any opposition to a motion to exclude) in IPR2016-00317 and IPR2016-00476 to February 10, 2017 to coincide with Due Date 5 in IPR2016-00547. Accordingly, the parties jointly request authorization to move Due Date 6 in IPR2016-00317 and IPR2016-00476 to February 17, 2017 to coincide with Due Date 6 in IPR2016-00547.

The joint request explains further that the requested modification to the schedules would not prejudice the Board's ability to prepare for the oral argument because at this time, neither party intends to file a motion to exclude, likely rendering Due Date 6 moot. In the event a party does file a motion to exclude, the parties assert that any issues raised in IPR2016-00317 and IPR2016-00476 would be similar to those raised in IPR2016-00547 in which Due Date 6 is already set for February 17, 2017.

In light of the foregoing, the parties' joint request is GRANTED.

IPR2016-00317 (Patent 7,945,021 B2)  
IPR2016-00476 (Patent 8,116,430 B1)

ORDER

It is ORDERED that the deadline for any reply for a motion to exclude evidence (Due Date 6) in IPR2016-00317 and IPR2016-00476 is February 17, 2017.

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