

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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HAMAMATSU CORPORATION  
Petitioner,

v.

SIONYX, LLC  
Patent Owner.

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Case IPR2016-01910  
Patent 8,680,591 B2

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Before GEORGIANNA W. BRADEN, MATTHEW R. CLEMENTS, and  
MONICA S. ULLAGADDI, *Administrative Patent Judges*.

ULLAGADDI, *Administrative Patent Judge*.

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

On September 22, 2017, a conference call was held between counsel for Patent Owner, counsel for Petitioner, and Judges Braden, Clements, and Ullagaddi. Patent Owner requested the conference call to seek authorization to file a motion to submit supplemental information, namely, a Claim Construction Order issued in a related district court litigation, *SiOnyx LLC, et al. v. Hamamatsu Photonics K.K., et al.*, 1:2015-cv-13488 (D. Mass.). Petitioner did not oppose the request. Upon considering Patent Owner's arguments, we authorized Patent Owner to file the Claim Construction Order from the related district court proceeding.

Pursuant to 37 C.F.R. § 42.123(b), a movant "must show why the supplemental information reasonably could not have been obtained earlier, and that consideration of the supplemental information would be in the interests-of-justice." Patent Owner indicated that it became aware of the Claim Construction Order on September 8, 2017, a week before Patent Owner requested the conference call. Patent Owner further indicated that the Claim Construction Order addresses at least one claim construction issue that is relevant to the claims at issue in the present *inter partes* review proceeding. For these reasons, we are persuaded that Patent Owner has shown sufficiently that the request is timely and in the interests-of-justice.

We further note that Patent Owner met and conferred with Petitioner, who indicated that it would not oppose Patent Owner's submission of the Claim Construction Order as long as it is submitted without comment. Accordingly, Patent Owner is authorized to file the Claim Construction Order, but is not authorized to file any other listings, papers, or exhibits containing arguments.

It is so ORDERED.

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