

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ACTA MEDICAL L.L.C.,  
Petitioner,

v.

CURLIN MEDICAL INC.,  
Patent Owner.

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Case IPR2017-00324  
Patent 6,164,921

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Before BEVERLY M. BUNTING, JAMES A. WORTH, and  
AMANDA F. WIEKER, *Administrative Patent Judges*.

BUNTING, *Administrative Patent Judge*.

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

In an email to the Board dated April 11, 2017, Petitioner requested leave to file a corrected copy of its expert declaration because the expert's electronic signature is obscured in the uploaded version. *See* Ex. 1002 ¶ 263. The Board directed Petitioner to confer with Patent Owner, and inform us whether Patent Owner agrees to Petitioner's request. The parties responded that Patent Owner does not agree to this filing, in an email dated May 3, 2017, and requested a teleconference. We replied that a teleconference is unnecessary, and that an order would follow.

Our rules provide for correction of "a clerical or typographical mistake in the petition. The grant of such a motion does not change the filing date of the petition." 37 C.F.R. § 42.104(c). Having reviewed the declaration, we are persuaded that Petitioner's error is clerical in nature. Specifically, the electronic signature of its declarant, Dr. Meinhart that appears as a pixelated box. Ex. 1002 ¶ 263.

As such, Petitioner is authorized to file, as an exhibit, a corrected signature page from its expert declaration, along with a paper certifying that (1) the Declaration was timely signed by Dr. Meinhart on the date indicated; and (2) no other changes have been made. Petitioner is reminded of the expectation that attorneys exercise a duty of candor in all matters and representations before the Board. *See* 37 C.F.R. § 42.11.

Accordingly, it is

ORDERED that Petitioner is directed to file, as an exhibit, a corrected copy of the signature page from its expert declaration, along with the requested certification, no later than ten business days from the date of this Order.

IPR2017-00324  
Patent 6,164,921

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