

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PLASTIC DEVELOPMENT GROUP, LLC,
Petitioner,

v.

MAXCHIEF INVESTMENTS LIMITED,
Patent Owner.

Case IPR2017-00846
Patent 6,622,644 B2

Before SCOTT A. DANIELS, TIMOTHY J. GOODSON, and
ELIZABETH M. ROESEL, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

ORDER

Granting Motion for Leave to Petition for Certificate of Correction
37 C.F.R. §§ 42.20, 1.323

Pursuant to authorization from the Board, on September 1, 2017, Patent Owner filed a Motion for Leave to Petition for a Certificate of Correction to Correct Typographical Error in Claim 14, of the '644 patent. Paper 8 (“Motion”). Specifically, Patent Owner seeks to change “second end” to “first end” in each of the phrases, “the second end of the first support bar pivotally attached to the first pivot bar” and “the second end of the second support bar pivotally attached to the first pivot bar.” *Id.* at 1.

Petitioner timely filed a Response indicating that it does not oppose the Motion, but stating that Petitioner wished to maintain any “right to address the impact of any Certificate of Correction granted by the U.S. Patent and Trademark Office on the ‘644 Patent itself with respect to the pending litigation in the Eastern District of Michigan.” Paper 11, 2 (“Response”).

Because we have exclusive jurisdiction over the challenged patent during the course of an *inter partes* review, *see* 37 C.F.R. § 42.3(a), Patent Owner has sought properly our authorization to file a request for a Certificate of Correction with the Director in order to correct a mistake made by the applicant.

The Board has considered the Motion and the Response, as well as the applicable standards under 35 U.S.C. § 255 and 37 C.F.R. § 1.323, and has determined that there is sufficient basis supporting Patent Owner’s position that the mistake may be correctable. Accordingly, we grant the motion.

The Board has not made a determination as to whether or not the mistake is in fact correctable. We leave the final determination on whether a Certificate of Correction should be issued with the Director in accordance with the authority granted in 35 U.S.C. § 255.

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Accordingly, it is,

ORDERED that Patent Owner's Motion for Leave to Petition for a Certificate of Correction to Correct Typographical Error in Claim 14, is *granted*;

FURTHER ORDERED that Patent Owner is authorized to file a request, under 37 C.F.R. § 1.323, for a certificate of correction as to the aforementioned mistakes in claim 14 of U.S. Patent No. 6,622,644 B2, in accordance with § 1481 of the Manual of Patent Examining Procedure;

FURTHER ORDERED that Patent Owner shall file with the Director its Petition for a Certificate of Correction to Correct Typographical Error in Claim 14, within 14 days of the entry of this Order and shall serve a copy of the Petition on Petitioner and file a copy of the Petition as an exhibit in this proceeding;

FURTHER ORDERED that when a decision is rendered on Patent Owner's Petition for Certificate of Correction to Correct Typographical Error in Claim 14, Patent Owner shall file a copy of the document as an exhibit in this proceeding; and

FURTHER ORDERED that in this proceeding, the parties shall proceed as though claim 14 recites "the first ~~second~~ end of the first support bar pivotally attached to the first pivot bar" and "the first ~~second~~ end of the second support bar pivotally attached to the first pivot bar" unless a contrary decision on the requested certificate of correction is reached by the Director.

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