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**Subject:** IPR2017-00966 | Supplemental Translator Declaration  
**Date:** Monday, March 26, 2018 6:01:41 PM

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Dear Board:

On Friday, March 23, you held a conference call regarding Patent Owner UTC's request for authorization to file a motion to submit supplemental information. As discussed in the conference call, the principal reference in the Petition is JP228, a Japanese patent. Petitioner filed a translation of JP228 with the Petition on February 23, 2017. UTC included a detailed analysis of JP228 in its POR on December 13, 2017. Petitioner then filed a Reply on March 14, 2018, accompanied by a "supplemental declaration" of its translator that fundamentally altered a key aspect of his interpretation of JP228 – changing a "minus" sign of a key parameter to a "plus" sign.

UTC sought leave from the Board to submit a responsive declaration of a professional translator, including the translator's own translation of JP228 ("Exhibit A" to the declaration). Exhibit A is probative not only as to the critical issue of how "plus" and "minus" signs are used in JP228, but also as to the credibility of the translation – it was performed independently in the course of UTC's normal case preparations even before the current dispute arose as to the correct interpretation of the "minus" sign in JP228, and agreed with Petitioner's original translation on the key point now at issue. Beyond this point, UTC is not attempting to initiate a dispute as to the appropriate translation.

On the conference call, the Board directed UTC to share the responsive declaration with Petitioner, and ruled that either (1) Petitioner could agree to permit the filing of the responsive declaration, or (2) that the Board would issue an order allowing UTC to file a sur-reply if Petitioner did not agree.

Petitioner has responded as follows (and has instructed UTC to include this summary in this email):

"The Petitioner does not object to the declaration but does object to Exhibit A to the declaration, which is a translation of JP228 that the declarant prepared "in or around November 2016." This translation was never previously disclosed to Petitioner, is not of record in this IPR, and was not a part of Patent Owner's requested motion to supplement. Whether the Board allows Patent Owner to include Exhibit A as an attachment to the new declaration or not, Petitioner believes that no further briefing or papers should be filed on this issue and requests that the parties simply be permitted to comment on this new evidence at the oral argument."

Because Petitioner has not agreed to permit UTC's responsive declaration in full, but only in part, UTC would appreciate further instruction from the Board as to whether it should file the supplemental declaration or instead file a sur-reply.

Thanks,  
Jessica

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