

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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OTICON MEDICAL AB; OTICON MEDICAL LLC;  
WILLIAM DEMANT HOLDING A/S,  
Petitioner,

v.

COCHLEAR BONE ANCHORED SOLUTIONS AB,  
Patent Owner.

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Case IPR2017-01018  
Patent 7,043,040 B2

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Before JAMES B. ARPIN, BARBARA A. PARVIS, and  
AMANDA F. WIEKER, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

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

Pursuant to Petitioner's request, made by email on July 5, 2018, and consistent with our Order (Paper 33, 5) authorizing either party to file a motion to exclude directed to evidence cited regarding the newly-added challenges to claims 7–10 (*see id.* at 2–3), Petitioner is authorized to file an opposition to Patent Owner's Motion to Exclude Evidence Under 37 C.F.R. § 42.64(c) (Paper 43) on or before July 16, 2018. Because we will consider Patent Owner's Motion to Exclude Evidence Under 37 C.F.R. § 42.64(c), Patent Owner's *alternative* request to file a sur-reply is *denied*. *See also* 37 C.F.R. § 42.20(b) (“A motion will not be entered without Board authorization. Authorization may be provided in an order of general applicability or during the proceeding.”).

At this time, no Reply paper is authorized.

In consideration of the foregoing, it is hereby:

ORDERED that Petitioner is authorized to file an opposition to Patent Owner's Motion to Exclude Evidence Under 37 C.F.R. § 42.64(c) (Paper 43) by July 16, 2018;

FURTHER ORDERED that Patent Owner's Alternative Motion to Sur-Reply is *denied*; and

FURTHER ORDERED that no additional papers are authorized.

IPR2017-01018  
Patent 7,043,040 B2

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