

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MICROSOFT CORPORATION,
Petitioner,

v.

MIRA ADVANCED TECHNOLOGY, INC.,
Patent Owner.

Case IPR2017-01411
Patent 9,531,657 B2

Before MINN CHUNG, MICHELLE N. WORMMEESTER, and
KAMRAN JIVANI, *Administrative Patent Judges*.

CHUNG, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
37 C.F.R. §§ 42.5, 42.7(a), 42.20(b)

On February 16, 2018, without first seeking our authorization to file any motion, Patent Owner filed a Motion for Permission to File and Acceptance of Late Filed Patent Owner's Response. Paper 20 ("Motion" or "Mot."). According to Patent Owner, Petitioner does not oppose the Motion. Mot. 1.

Under 37 C.F.R. § 42.20(b), a party wishing to file a motion must seek authorization from the Board prior to filing the motion unless the motion is authorized under the rules or otherwise authorized by an order entered by the Board. Patent Owner's Motion is not authorized by any rules or any order entered in this proceeding. Accordingly, Patent Owner's Motion is procedurally improper, and, therefore, is expunged from the record of this proceeding. *See* 37 C.F.R. §§ 42.5, 42.7(a).

The parties are reminded that, under the Scheduling Order entered in this proceeding (Paper 9), the parties may stipulate to a different date for DUE DATE 1 without further authorization from the Board. *See* Paper 9, 4–5. In the alternative, Patent Owner may request a conference call with the Board to seek authorization for filing a motion for leave to file a late Patent Owner Response. The parties are encouraged, however, to resolve any disputes relating to the late filing of the Patent Owner Response, and stipulate to a different date for DUE DATE 1.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Paper 20 is *expunged* from the record of this proceeding.

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