

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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ROQUETTE FRERES, S.A.,  
Petitioner,

v.

TATE & LYLE INGREDIENTS AMERICAS LLC,  
Patent Owner.

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Case IPR2017-01506  
Patent 7,608,436 B2

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Before LORA M. GREEN, GRACE KARAFFA OBERMANN,  
and JACQUELINE T. HARLOW, *Administrative Patent Judges*.

OBERMANN, *Administrative Patent Judge*.

ORDER

*Conduct of the Proceeding*  
Correction of Clerical Error in Decision to Institute  
*37 C.F.R. § 42.5(a)*

On November 30, 2017, we entered a decision instituting trial on claims 1–4, 15–29, 31, and 32 of U.S. Patent No. 7,608,436 B2 (“the ‘436 patent”). Paper 18 (“Decision” or “Dec.”). On December 14, 2017, Petitioner filed a Request for Rehearing of our Decision (Paper 20) that points out a clerical error in our Decision.

Specifically, as Petitioner points out, on page 2 of the Decision we ordered trial to proceed on “claims 1–4, 15–29, 31, and 32 of the ‘436 patent” Paper 20 (citing Dec. 2). The Order section on page 14 failed to include claims 19–22 as provided in the holding on page 2 of the Decision. Accordingly, we correct that error as follows: On page 14 of the Decision, the indented material identified by the numeral (3) is corrected as follows:

“(3) Whether claims 1–4, 15–29, 31, and 32 of the ‘436 patent are obvious under 35 U.S.C. § 103 over the combined disclosures of Shah, Craig, and Cleland;”.

No other changes are required. The institution date remains the date on which the Decision was entered; namely, November 30, 2017. Dec. 14.

It is:

ORDERED that the Order section of the Decision entered November 30, 2017 (Paper 18) is corrected to comply with this Order;

FURTHER ORDERED that page 14 of Paper 18 is corrected to reflect that the ground based on obviousness over Shah (Ex. 1008), Craig (Ex. 1009), and Cleland (Ex. 1007) shall proceed on claims 1–4, 15–29, 31, and 32 of the ‘436 patent to comport with the holding on page 2 of the Decision.

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