

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

AISIN SEIKI CO., LTD. and TOYOTA MOTOR CORPORATION,
Petitioner,

v.

INTELLECTUAL VENTURES II LLC,
Patent Owner.

Case IPR2017-01536
Patent 7,067,944 B2

Before KRISTEN L. DROESCH, JOHN A. HUDALLA,
and AMANDA F. WIEKER, *Administrative Patent Judges*.

WIEKER, *Administrative Patent Judge*.

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

On December 13, 2017, we instituted an *inter partes* review as to claims 3 and 9–11 of the '944 patent. Paper 11. We instituted trial as to claim 3 based on, *inter alia*, the asserted ground of obviousness under 35 U.S.C. § 103(a) over the combined teachings of Itaya and Konishi. *Id.* at 22.

The Itaya reference was submitted as Exhibit 1005 and includes the original Japanese-language publication, an English-language translation, and a certificate of translation. *Id.* at 6 n.1; Ex. 1005. However, the certificate of translation submitted with the exhibit does not comply with 37 C.F.R. § 1.68, as required by our rules. 37 C.F.R. § 1.68 (“[A] declaration may be used in lieu of the oath otherwise required, if, and only if, the declarant is on the same document, warned that willful false statements and the like are punishable by fine or imprisonment, or both.”); *see also* 37 C.F.R. §§ 42.63(b) (“When a party relies on a document or is required to produce a document in a language other than English, a translation of the document into English and an affidavit attesting to the accuracy of the translation must be filed with the document.”), 37 C.F.R. §42.2 (“*Affidavit* means affidavit or declaration under § 1.68 of this chapter.”). Although the certificate states that the translation is believed to be “true and correct,” it does not include the required warning regarding willful false statements and possible punishment.

As such, Petitioner shall submit a compliant affidavit or declaration regarding the translation of the Itaya reference, utilizing its next-available exhibit number, within ten (10) business days of this Order. Failure to do so may result in a modification of the Decision on Institution such that all grounds involving Itaya will be dismissed from the *inter partes* review.

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Accordingly, it is:

ORDERED that, within ten (10) business days, Petitioner shall file as an exhibit an affidavit or a declaration that complies with 37 C.F.R. § 1.68, regarding the translation offered as Exhibit 1005.

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