

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

CORPAK MEDSYSTEMS, INC. and HALYARD HEALTH, INC.,
Petitioner,

v.

KIRN MEDICAL DESIGN, L.L.C.,
Patent Owner.

Case IPR2017-01990
Patent 6,631,715

Before PATRICK E. BAKER, *Trial Paralegal*.

EXCLUSIVE LICENSEE APPLIED MEDICAL TECHNOLOGY, INC.'S
MOTION TO FILE A CORRECTED PATENT OWNER'S PRELIMINARY
RESPONSE AND TO REFILE EXHIBITS FILED ON DECEMBER 12, 2017

Relief Requested

Pursuant to 37 C.F.R. § 42.22(a), and as authorized by the Board in an e-mail dated December 15, 2017, Exclusive Licensee APPLIED MEDICAL TECHNOLOGY, INC. (“Exclusive Licensee AMT”) respectfully requests authorization to file a Corrected Patent Owner’s Preliminary Response, corrected with respect to numbering of exhibits in the Exhibit List and throughout the Preliminary Response, and with respect to the heading. Exclusive Licensee AMT also requests authorization to refile the exhibits as filed on December 12, 2017, renumbered as Exhibits 2002-2008. Exclusive Licensee AMT also requests expungement of the Patent Owner’s Preliminary Response and Exhibits 2001-2007 as filed on December 12, 2017.

Reasons for Relief Requested

This Motion is being filed to correct two clerical errors inadvertently introduced by Exclusive Licensee AMT’s Lead Counsel Gregory M. York.

The first error relates to inadvertent re-use of an exhibit number. Exclusive Licensee AMT used the number 2001 for an exhibit corresponding to a Declaration filed with a Motion for *Pro Hac Vice* Admission on September 27, 2017.

Exclusive Licensee AMT inadvertently used the number 2001 again for a technical reference, referred to as Ticona, “Design Calculations for Snap Fit Joints in Plastic Parts,” filed with the Patent Owner’s Preliminary Response on December 12, 2017.

Specifically, in preparing the Patent Owner's Preliminary Response, Gregory M. York numbered seven exhibits discussed in the Patent Owner's Preliminary Response as exhibits 2001-2007, without taking into account the Declaration previously filed as exhibit 2001. Gregory M. York did not recognize this error until after filing the Patent Owner's Preliminary Response.

Exclusive Licensee AMT requests the replacement in order to meet the requirements of 37 CFR 42.63(c), requiring that exhibits be uniquely numbered sequentially, and of 37 CFR 42.63(e), requiring maintaining and filing of a current exhibit list when filing exhibits. Exclusive Licensee AMT also requests the replacement to clarify the record of the case.

The second error relates to the heading provided on the first page of the Patent Owner's Preliminary Response. Exclusive Licensee AMT inadvertently followed the heading provided on the Petition, which lists "Applied Medical Technology, Inc." as a Patent Owner, rather than following the heading provided on the Notice of Filing Date Accorded to Petition, which does not. Specifically, in preparing the Patent Owner's Preliminary Response, Gregory M. York followed the heading provided on the Petition, rather than on the Notice of Filing Date Accorded to Petition. Gregory M. York did not recognize this error until after filing the Patent Owner's Preliminary Response. Exclusive Licensee AMT requests authorization to make this correction to clarify the record of the case.

Exclusive Licensee AMT has contacted Petitioners, and Petitioners do not oppose Exclusive Licensee AMT's request.

Respectfully submitted,

Date: December 18, 2017

By: /Gregory M. York/
Gregory M. York (Reg. No. 57,533)
Pearne & Gordon LLP
Attorney for Patent Owner

