

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

MOSO NORTH AMERICA, INC. and MOSO INTERNATIONAL B.V.,
Petitioners,

v.

DASSO INTERNATIONAL, INC.,
Patent Owner.

IPR2019-00184
Patent 8,709,578 B2

Before WESLEY B. DERRICK, JEFFREY W. ABRAHAM, and
MICHELLE N. ANKENBRAND, *Administrative Patent Judges*.

DERRICK, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Granting Patent Owner's Motion to Correct Clerical Errors
37 C.F.R. § 42.5

Dasso International, Inc. (“Patent Owner”) filed a Motion to Correct Clerical Errors in Preliminary Response. Paper 20 (“Motion” or “Mot.”). Specifically, Patent Owner seeks authorization to file a corrected version of the Preliminary Response (Paper 19, “Prelim. Resp.”) that faithfully quotes the final certified English translation of Chinese Patent Application No. 200610021013.2 to Helin Li, filed as Exhibit 2003. Mot. 1. Patent Owner supports the Motion with a redline version of pages 11, 12, and 14 of the Preliminary Response (Ex. 2005).

As Patent Owner explains, Patent Owner filed its Preliminary Response with a new English translation of Li,¹ which was one of Petitioners’ prior art references. Mot. 1. Patent Owner further explains that a working draft of the translation was used during Patent Owner’s drafting of the Preliminary Response, which included certain phrases that did not precisely match the phrases found in the final certified English translation of Li, filed as Exhibit 2003. *Id.* at 1–2.

Patent Owner contends that the proposed changes relate to clerical errors that it did not identify prior to filing, that it promptly sought correction, and that correction will not prejudice Petitioners. *Id.* at 4–6; *see also id.* at 1–2 (detailing the actions Patent Owner took after discovering the errors to inform Petitioners and to seek authorization to file its motion). Patent Owner further represents that Petitioners MOSO North America, Inc. and MOSO International B.V. do not oppose the Motion. *Id.* at 1.

¹ Petitioners filed their version of the reference as “Li” (Ex. 1004). Mot. 1. Patent Owner refers to Petitioners’ version as “Li (Morningside)” (Prelim. Resp. 10), and to its version, submitted as Exhibit 2003, as “Li (Sun)” (*id.*).

Having considered the Motion and supporting exhibit, we grant Patent Owner's Motion to correct the errors identified in the Preliminary Response.

In this case, Petitioners do not oppose the motion, no prejudice to Petitioners has been called to our attention, and error correction is consistent with the efficient administration of the case. *See, e.g.*, 37 C.F.R. 42.1(b) (dictating that Part 42 of 37 C.F.R. "shall be construed to secure the just, speedy and inexpensive resolution of every proceeding"). Furthermore, under 37 C.F.R. § 42.5(a), "[t]he Board may determine a proper course of conduct in a proceeding for any situation not specifically covered by this part and may enter non-final orders to administer the proceeding." Under the facts and circumstances of this case, we determine that allowing correction is the proper course of action.

ORDER

Accordingly, it is:

ORDERED that Patent Owner's Motion (Paper 20) is GRANTED;
and

FURTHER ORDERED that Patent Owner file a Corrected Preliminary Response as a Paper titled Corrected Preliminary Response within five business days of the date of this Order.

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