

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SQUARE, INC.,
Petitioner,

v.

4361423 CANADA INC.,
Patent Owner.

IPR2019-01649
Patent 9,016,566 B2

Before JAMESON LEE, ROBERT J. WEINSCHENK, and
KEVIN C. TROCK, *Administrative Patent Judges*.

WEINSCHENK, *Administrative Patent Judge*.

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

I. ANALYSIS

Patent Owner's Response was due on July 22, 2020. In an email to the Board on July 24, 2020, Patent Owner explained that due to technical issues, some of the exhibits accompanying its Response were not filed until July 23, 2020, between approximately 12:10 am and 1:40 am. Patent Owner also explained that the Response and accompanying exhibits were not served by email on Petitioner until July 23, 2020, at approximately 1:51 am. Further, Patent Owner stated that the Certificate of Service for the Response and accompanying exhibits incorrectly states that the documents were served on July 22, 2020, instead of July 23, 2020.

Patent Owner requested that its Response and accompanying exhibits be deemed timely, and that it be permitted to file a corrected Certificate of Service. Petitioner does not oppose Patent Owner's request. Because Patent Owner's filing and service were late by only a couple of hours and Petitioner does not oppose, we granted Patent Owner's request in an email to the parties on July 29, 2020.

In its email to the Board on July 24, 2020, Patent Owner also explained that it noticed some incorrect citations in the Zatkovitch Declaration (Ex. 2005) that accompanies its Response. Patent Owner requested authorization to file a corrected Zatkovitch Declaration. Petitioner does not oppose Patent Owner's request. In an email to the Board on August 13, 2020, the parties indicated that they do not object to expungement of the original Zatkovitch Declaration filed on July 23, 2020. Because Petitioner does not oppose, Patent Owner's request is granted. Further, we will expunge the original Zatkovitch Declaration filed on July 23, 2020, from the record.

II. ORDER

It is hereby

ORDERED that Patent Owner's request that its Response and accompanying exhibits be deemed timely is *granted*;

FURTHER ORDERED that Patent Owner's request to file a corrected Certificate of Service for its Response and accompanying exhibits is *granted*;

FURTHER ORDERED that Patent Owner's request to file a corrected Zatkovitch Declaration is *granted*; and

FURTHER ORDERED that the original version of the Zatkovitch Declaration (Ex. 2005) filed on July 23, 2020, is expunged from the record.

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