

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EARLY WARNING SERVICES, LLC,
Petitioner,

v.

WILLIAM GRECIA,
Patent Owner.

IPR2020-00763
Patent 8,887,308 B2

Before MICHAEL W. KIM, JAMESON LEE, and MICHELLE N.
WORMMEESTER, *Administrative Patent Judges*.

WORMMEESTER, *Administrative Patent Judge*.

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

On July 14, 2020, Early Warning Services, LLC (“Petitioner”) sent an e-mail to the Board requesting authorization to file a reply to Patent Owner’s Preliminary Response (Paper 6). Ex. 3001. In its e-mail, Petitioner indicated that its reply would address Patent Owner’s contention regarding whether Petitioner is time-barred under 35 U.S.C. § 315(b), and, more specifically, Patent Owner’s contention regarding whether JP Morgan Chase & Co. is a real party in interest and a privy. Ex. 3001. Petitioner asserts that the parties have met and conferred on these issues, but they “were unable to reach an agreement.” *Id.*

Petitioner’s request to file a reply to Patent Owner’s Preliminary Response is *granted*. We also authorize Patent Owner to file a sur-reply. We believe that additional briefing on the issues discussed above would be beneficial to our analysis of the case.

Petitioner’s reply is limited to no more than three pages, and is due no later than July 24, 2020. Patent Owner’s sur-reply is limited to no more than three pages, and is due no later than July 31, 2020.

Accordingly, it is

ORDERED that Petitioner’s request to file a reply in this case is *granted*. The reply is not to exceed three pages, and is due no later than July 24, 2020; and

ORDERED that Patent Owner may file a sur-reply in response to Petitioner’s reply. The sur-reply is not to exceed three pages, and is due no later than July 31, 2020.

IPR2020-00763

8,887,308 B2

PETITIONER:

George C. Chen

Cory G. Smith

BRYAN CAVE LEIGHTON PAISNER LLP

george.chen@bclplaw.com

cory.smith@bclplaw.com

PATENT OWNER:

Isaac Rabicoff

RABICOFF LAW LLC

isaac@rabilaw.com