

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

VIEWRAY, INC. and VIEWRAY TECHNOLOGIES, INC,
Petitioner,

v.

VARIAN MEDICAL SYSTEMS, INC.,
Patent Owner.

Case IPR2020-01251 (Patent 9,082,520)
Case IPR2020-01403 (Patent 9,082,520)
Case IPR2020-01465 (Patent 8,637,841)¹

Before BRIAN J. MCNAMARA, PATRICK M. BOUCHER, and
GARTH D. BAER, *Administrative Patent Judges*.

BAER, *Administrative Patent Judge*.

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

¹ The parties are not authorized to use this style of caption.

IPR2020-01251 (Patent 9,082,520)

IPR2020-01403 (Patent 9,082,520)

IPR2020-01465 (Patent 8,637,841)

On November 10, 2020 Petitioner and Patent Owner jointly moved to extend the filing deadlines for Patent Owner's preliminary responses and to stay IPR proceedings IPR2020-01251, IPR2020-01403, and IPR2020-01465 (the "Proceedings") to June 30, 2021. Paper 7, 1². In their motion, the parties explain that good cause exists for delaying Patent Owner's preliminary responses because Patent Owner has entered into a definitive agreement to be acquired by a third party who has agreed to dismiss the parallel district court action with prejudice and grant Petitioner a license to the challenged patents. *Id.* at 4. In return, Petitioner will seek termination of these Proceedings. *Id.*

We agree with the parties that delaying the filing deadlines for Patent Owner's preliminary responses will likely avoid wasting the Board's and parties' limited resources.

It is therefore:

ORDERED that the deadline for Patent Owner's preliminary responses in IPR2020-01251, IPR2020-01403, and IPR2020-01465 is set to June 30, 2021; and

FURTHER ORDERED that the parties must notify the Board within 14 days if the transaction either fails or closes before June 30, 2021.

² We cite to the record in IPR2020-01251. Parallel papers were filed in IPR2020-01403 and IPR2020-01465.

IPR2020-01251 (Patent 9,082,520)

IPR2020-01403 (Patent 9,082,520)

IPR2020-01465 (Patent 8,637,841)

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