

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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TWITTER, INC. and GOOGLE LLC,  
Petitioner,

v.

B.E. TECHNOLOGY, LLC,  
Patent Owner.

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IPR2021-00483 (Patent 8,769,440 B2)  
IPR2021-00484 (Patent 8,549,410 B2)  
IPR2021-00485 (Patent 8,549,411 B2)<sup>1</sup>

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NEIL T. POWELL, MIRIAM L. QUINN, and IFTIKHAR AHMED,  
*Administrative Patent Judges.*

QUINN, *Administrative Patent Judge.*

ORDER  
Conduct of the Proceeding  
*37 C.F.R. § 42.5(a)*

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<sup>1</sup> This Order applies to each of the listed cases. Given the similarities of issues, we issue one Order to be docketed in each case. The parties are not authorized to use this caption style.

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The parties have contacted the Board after they met and conferred concerning a request for authorization to file a motion: Motion to Submit Supplemental Information under 37 C.F.R. § 42.123(a) (“Motion”). Ex. 3001. Petitioner desires to submit declarations in support of the printed publication status of certain references involved in the captioned proceedings. The Motion is prompted by Patent Owner’s objections to the evidence presented with the Petition. Patent Owner does not object to Petitioner’s request, except it seeks to limit the issues addressed in the submitted declarations solely to the printed publication issue “rather than attempt to cure evidentiary objections.” *Id.*

Our rules and binding precedent make clear that a motion for supplemental information is one of two ways Petitioner may submit a declaration supporting its argument that a reference qualifies as a printed publication. *Hulu, LLC, v. Sound View Innovations, LLC*, IPR2018-01039, Paper 29 at 15 (PTAB Dec. 20, 2019) (Decision) (precedential). Given that Patent Owner does not object in principle to Petitioner’s request, we find the request timely and appropriate under these circumstances. Accordingly, we grant Petitioner’s request. Petitioner’s Motion may address the requirements of Rule 123(a) including a brief explanation of the relevance of the information submitted to the claim for which trial has been instituted. 37 C.F.R. § 42.123(a)(2). The Opposition may only respond to issues raised in the Motion, and the Reply may only respond to issues raised in the Opposition. 37 C.F.R. § 42.33. The following schedule shall apply to the authorized filings.

<b>Paper</b>	<b>Due Date</b>
Motion to Submit Supplemental Information	October 15, 2021
Opposition to the Motion	October 26, 2021
Reply to the Opposition	November 1, 2021

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## ORDER

IT IS, therefore,

ORDERED that Petitioner's request to file a Motion to Submit Supplemental Information under 37 C.F.R. § 123(a) is granted; and

FURTHER ORDERED that an Opposition and Reply are authorized to be filed according to the schedule identified in this Order.

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