

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

GOOGLE LLC,
Petitioner,

v.

ECOFACITOR, INC.,
Patent Owner.

IPR2021-00409 (Patent 8,412,488 B2)
IPR2021-00454 (Patent 8,738,327 B2)
IPR2021-00488 (Patent 8,180,492 B2)¹

Before TREVOR M. JEFFERSON, WESLEY B. DERRICK,
JEFFREY W. ABRAHAM, and CHRISTOPHER L. OGDEN,
*Administrative Patent Judges.*²

DERRICK, *Administrative Patent Judge.*

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

¹ We exercise our discretion to issue one Order to be filed in each case. The parties are not authorized to use this filing style in subsequent papers

² This is not an expanded panel. The caption identifies judges that are assigned to one or more of three related cases in which this one Order is being filed.

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In an email to the Board dated June 7, 2021, Petitioner requests permission to file documents as exhibits, with no additional briefing, in each of IPR2021-00409, -00454, and -00488. Petitioner identifies the documents it will file as exhibits as:

- (1) Two letters, by other defendants in co-pending litigation in the Western District of Texas (ecobee and Vivint), providing stipulations relevant to the Board's consideration of the *Fintiv* factors; and
- (2) An updated scheduling order for the co-pending Western District of Texas litigation.

Petitioner states that it has conferred with Patent Owner and that Patent Owner indicates it does not object to the submissions.

On this record, we determine that permitting Petitioner to file the identified exhibits would be in the interests of justice and would also be helpful to the panel. *See* 37 C.F.R. § 42.20(d). No briefing is authorized to be filed with the exhibits.

Accordingly, it is hereby:

ORDERED that Petitioner is authorized to file, within three business days of this order, the identified documents as exhibits.

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