

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

BLUEBIRD BIO, INC.,
Petitioner,

v.

SLOAN KETTERING INSTITUTE FOR CANCER RESEARCH,
Patent Owner.

IPR2023-00070 (Patent 7,541,179 B2)
IPR2023-00074 (Patent 8,058,061 B2)¹

Before SHERIDAN K. SNEDDEN, JAMES A. WORTH and
CYNTHIA M. HARDMAN, *Administrative Patent Judges*.

SNEDDEN, *Administrative Patent Judge*.

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

¹ This Order addresses overlapping issues in the cases listed above. Therefore, we issue one Order to be filed in each case. The parties, however, are not authorized to use this style of filing.

IPR2023-00070 (Patent 7,541,179 B2)

IPR2023-00074 (Patent 8,058,061 B2)

On January 29, 2024 via email, Petitioner requested authorization to submit the parties' Joint Claim Construction Chart filed in the parallel district court proceeding. The relevant portion of the email reads as follows:

Petitioner in the above-noted IPR proceedings writes to request authorization to submit the parties' Joint Claim Construction Chart filed in the parallel district court proceeding (*see* C.A. No. 21-1478 (D. Del.) at D.I. 127), so that it is available to the Board as it considers the arguments made in these proceedings.

As per the Board's direction during the oral hearing held on January 24, 2024, Petitioner reached out to Patent Owner to confer regarding this request. Patent Owner opposes Petitioner's request. At this point, given Petitioner simply wants the Board to have a copy of the Joint Claim Construction Chart that was discussed during the hearing and that is otherwise publicly available on the Court's docket, Petitioner requests leave to submit the chart as an exhibit in these proceedings.

As indicated in our oral hearing order, parties are not permitted to present new evidence or arguments at the oral hearing. *See* IPR2023-00070, Paper 42, 4. Because the Joint Claim Construction Chart was first raised at the hearing, we deny Petitioner's request to file the Joint Claim Construction Chart at this juncture.

For the reasons given, it is

ORDERED that Petitioner's request for authorization to submit the parties' Joint Claim Construction Chart filed in the parallel district court proceeding is *denied*.

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