

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

LG ELECTRONICS INC. and LG ELECTRONICS USA, INC.,
Petitioner,

v.

IMAGE PROCESSING TECHNOLOGIES, LLC,
Patent Owner.

IPR2023-00104
Patent 6,959,293 B2

Before MICHAEL R. ZECHER, BARBARA A. BENOIT, and
IFTIKHAR AHMED, *Administrative Patent Judges*.

BENOIT, *Administrative Patent Judge*.

ORDER
Conduct of the Proceeding
Authorizing Filing of Reply and Sur-Reply
37 C.F.R. § 42.5(a)

On March 1, 2023, Petitioner contacted the Board via e-mail (Ex. 3001) requesting authorization to file a reply to Patent Owner's Preliminary Response (Paper 6) filed on February 21, 2023. Specifically, in its e-mail, Petitioner requests authorization to file up to a five-page reply without introducing new evidence and limited to addressing Patent Owner arguments for discretionary denial under 35 U.S.C. §§ 314(a) and 325(d). Petitioner indicates that Patent Owner does not oppose Petitioner's request. Petitioner further indicates that the parties agree to Patent Owner filing up to a five-page sur-reply.

We determine that good cause exists to grant Petitioner's unopposed request. Petitioner included in its Petition arguments that institution should not be denied under § 325(d) or § 314(a). Paper 1, 22–29, 75–79. Additionally, we determine that a reply would be helpful to the Board in deciding whether to exercise its discretion to deny institution in the present proceeding.

Accordingly, Petitioner's unopposed request for authorization to file a reply is granted. Petitioner may file, on or before March 9, 2023, a reply to Patent Owner's Preliminary Response limited to addressing Patent Owner's arguments for discretionary denial under 35 U.S.C. §§ 314(a) and 325(d), not introducing any new evidence, and not exceeding five pages. Patent Owner may file, no later than March 16, 2023, a sur-reply addressing the same and not exceeding five pages.

It is so ORDERED.

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