

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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BESTWAY (USA), INC.,  
Petitioner,

v.

INTEX MARKETING LTD.,  
Patent Owner.

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Case PGR2017-00003  
Patent 9,254,240 B2

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Before KEN B. BARRETT, FRANCES L. IPPOLITO, and  
KEVIN W. CHERRY, *Administrative Patent Judges*.

CHERRY, *Administrative Patent Judge*.

ORDER

Conduct of the Proceeding;  
Request to File Motion for Supplemental Information  
*37 C.F.R. §§ 42.5, 42.223*

On June 4, 2018, Petitioner sent a request for a conference call seeking permission (1) to modify the scheduling order to file its Reply Brief on July 12, 2018 and (2) to file a motion for supplemental information under 37 C.F.R. § 42.223(a). On June 13, 2018, the panel held a conference call with counsel for the parties regarding these requests. As to the request to modify the scheduling order, Patent Owner indicated on the call that it did not oppose the request. Given the unopposed nature of the scheduling request and the limited nature of schedule modification, we *grant* Petitioner's request to modify the due date for its Reply Brief to July 12, 2018.

With respect to the request to file a motion to file supplemental information, after hearing preliminary arguments from the parties, the panel took the matter under advisement. After considering the parties' arguments, we determine that limited briefing on the motion would be helpful to the panel in making its determination on whether to permit Petitioner to file supplemental information. Accordingly, the panel authorizes Petitioner to file a motion for permission to file supplemental information. Petitioner's brief is limited to not more than five pages. The motion will be due June 18, 2018. Patent Owner will have the opportunity to file a five-page opposition on June 22, 2018. No reply is authorized.

In consideration of the foregoing, it is hereby:

ORDERED that the Scheduling Order is revised such that Petitioner's Reply Brief is due July 12, 2018;

FURTHER ORDERED that Petitioner is authorized to file a motion for permission to file supplemental information of no more than five pages no later than June 18, 2018;

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FURTHER ORDERED that Patent Owner may file a five-page  
Opposition to Petitioner's motion no later than June 22, 2018; and

FURTHER ORDERED that no reply to Patent Owner's Opposition is  
authorized.

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FOR PETITIONER:

Michael Chu  
Brian Jones  
McDERMOTT WILL & EMERY LLP  
mchu@mwe.com  
bajones@mwe.com

FOR PATENT OWNER:

R. Trevor Carter  
Andrew M. McCoy  
FAEGRE BAKER DANIELS LLP  
trevor.carter@faegrebd.com  
andrew.mccoy.ptab@faegrebd.com