

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVERSTAR MERCHANDISE CO. LTD.,
Petitioner,

v.

WILLIS ELECTRIC CO. LTD.,
Patent Owner.

Case PGR2019-00055
Patent 10,119,664 B2

Before DEBRA K. STEPHENS, STACEY G. WHITE, and
JEFFREY W. ABRAHAM, *Administrative Patent Judges*.

WHITE, *Administrative Patent Judge*.

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

On December 13, 2019, a conference call was held between the parties and Judges White, Stephens, and Abraham. The call was initiated upon the request of Petitioner, which sought authorization to file a reply to Patent Owner's Preliminary Response (Paper 6, "Prelim. Resp.).

Petitioner sought a reply because it asserts that Patent Owner had made two arguments in its Preliminary Response that Petitioner could not have anticipated and that the Board would be best served by additional briefing from Petitioner prior to a decision on institution. According to Petitioner, a chart on page five of the Preliminary Response contains an unexpected interpretation of the standards documents asserted to be prior art in this proceeding and page thirty-one of the Preliminary Response contains an implied claim construction position that Petitioner believes to be inconsistent with the specification of the challenged patent. Patent Owner disagrees with both positions and contends that it has made arguments that respond to Petitioner's assertions and that no additional evidence or briefing is required at this time.

We agree with Patent Owner. We will evaluate the evidence and arguments put forth by the parties and will issue a decision on institution in due course. Petitioner's request for additional briefing is DENIED.

ORDER

It is

ORDERED that Petitioner's request to file a reply to Patent Owner's Preliminary Response is DENIED.

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