

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

ÖSSUR HF AND ÖSSUR AMERICAS, INC.,
Petitioners

v.

OTTO BOCK HEALTHCARE LP,
Patent Owner

Case IPR2014-00145
Patent 6,726,726

Before SCOTT E. KAMHOLZ, SCOTT A. DANIELS, and
CARL M. DEFRANCO, *Administrative Patent Judges*.

KAMHOLZ, *Administrative Patent Judge*.

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

By email dated February 27, 2014 (copy attached to this order), Össur requested a conference call to discuss authorization to file supplemental information consisting of papers from an appeal to the U.S. Court of Appeals for the Federal Circuit (Fed. Cir. No. 13-1650) from the related civil action, *Otto Bock HealthCare LP v. Össur Hf et al.*, No. SACV13-00891-CJC (C.D. Cal.). In particular, Össur seeks to file Otto Bock's Reply Brief, the transcript of the hearing before the Federal Circuit, and the Federal Circuit's decision (as modified by an errata sheet). Össur explained that the new information supplements Exhibits 1034 and 1035 as filed with the Petition. Otto Bock has no objection to the submissions.

Upon consideration, the Board denied Össur authorization to file any of the proposed information as supplementation to Exhibits 1034 and 1035, because Össur relies upon Exhibit 1034 in its Petition only as evidence for an issue not in dispute and does not rely at all upon Exhibit 1035.

The Board, nevertheless, recognizes the potential relevance of the Federal Circuit's decision on the issue of claim construction.

Accordingly, it is

ORDERED that Össur is authorized to file a copy of the decision, with the errata sheet, in *Otto Bock HealthCare LP v. Össur Hf et al.*, No. 13-1650 (Fed. Cir.).

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From: Brent.Babcock [\[mailto:Brent.Babcock@knobbe.com\]](mailto:Brent.Babcock@knobbe.com)
Sent: Thursday, February 27, 2014 7:30 PM
To: Trials
Cc: Kreeger, Matthew I.; Wu, Walter; Barquist, Charles S.; BoxOssur
Subject: IPR2014-00145 - Request for Conference call with Judge Kamholz & Panel

Re: IPR2014-00145, *Össur v. Otto Bock*

Request for Conference Call with Panel

Honorable Judge Kamholz:

We represent Petitioner Össur in IPR2014-00145. Össur requests a conference call with the Panel on Thursday, March 6, in the afternoon EST (counsel for both parties are on the West Coast). Petitioner Össur requests the conference call to discuss Össur's request for authorization to file a motion to submit supplemental information in this IPR, namely: (1) appellant Otto Bock's November 12, 2013 Reply Brief in the Federal Circuit appeal; (2) the transcript of the January 6, 2014 oral argument before the Federal Circuit; and (3) the Federal Circuit's February 18, 2014 decision (including the February 21, 2014 errata). This proffered evidence supplements Össur's Exhibit 1034 (Otto Bock's September 30, 2013 Opening Brief in the Federal Circuit appeal) and Össur's Exhibit 1035 (Össur's November 1, 2013 Appellees' Brief in the Federal Circuit appeal), both of which Össur filed in this IPR on November 11, 2013 in connection with Össur's Petition for Inter Partes Review.

Counsel for Otto Bock has been copied on this email.

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Respectfully,

Brent Babcock

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