

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

TOSHIBA AMERICA ELECTRONIC COMPONENTS, INC.,
Petitioner,

v.

MONUMENT PEAK VENTURES, LLC,
Patent Owner.

IPR2021-00330
Patent 7,583,294 B2

Before ANDREW HIRSHFELD, *Commissioner for Patents performing the functions and duties of the Under Secretary of Commerce for Intellectual Property and Director of the United States Patent and Trademark Office*, SCOTT R. BOALICK, *Chief Administrative Patent Judge*, and JACQUELINE WRIGHT BONILLA, *Deputy Chief Administrative Patent Judge*.

PER CURIAM.

ORDER

Toshiba America Electronic Components, Inc. (“Petitioner”) requests rehearing and Precedential Opinion Panel (“POP”) review of the Patent Trial and Appeal Board (“Board”) Decision denying its Motion to Correct Filing Date and denying institution of *inter partes* review of claims 1, 5, 10, 11, and 19 of U.S. Patent No. 7,583,294 B2 (Paper 9, “Decision”). Paper 10; Ex. 3001.

Pursuant to Standard Operating Procedure 2 (“SOP 2”),¹ the POP has determined that this case warrants review. A POP review is appropriate to address the following issue:

Does Fedwire confirmation of payment constitute sufficient evidence of payment under 35 U.S.C. § 312(a) and 37 C.F.R. § 42.103(a)?

Accordingly, a POP review of the Decision is ordered. SOP 2, 3–7. The parties are authorized to submit additional briefing, limited to the issue above, of no more than fifteen (15) pages, due on October 22, 2021. The parties are further authorized to submit responsive briefing, limited to the issue identified above, of no more than fifteen (15) pages, due on November 5, 2021. Amicus briefing and an oral hearing for this POP proceeding are not authorized at this time.

Accordingly, based on the foregoing and pursuant to SOP 2, it is:

ORDERED that the Board’s Decision Denying Petitioner’s Motion to Correct Filing Date and Denying Institution of *Inter Partes* Review (Paper 9) is submitted for POP review on the issue and schedule identified above; and

FURTHER ORDERED that, unless otherwise delegated, the POP will maintain authority over all issues in this case.

¹ Available at <https://go.usa.gov/xPMqx>.

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For PETITIONER:

Douglas F. Stewart
Jared D. Schuettenhelm
Patrick Connolly
BRACEWELL, LLP
doug.stewart@bracewell.com
jared.schuettenhelm@bracewell.com
patrick.connolly@bracewell.com

For PATENT OWNER:

Tarek Fahmi
Holly Atkinson
Jonathan Tsao
ASCENDA LAW GROUP, PC
tarek.fahmi@ascendalaw.com
holly.atkinson@ascendalaw.com
jonathan.tsao@ascendalaw.com