

[BoxInterferences@uspto.gov](mailto:BoxInterferences@uspto.gov)

Tel: 571-272- 7822

Filed: September 1, 2016

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**THE BROAD INSTITUTE, INC.**, MASSACHUSETTS INSTITUTE  
OF TECHNOLOGY, and PRESIDENT AND FELLOWS  
OF HARVARD COLLEGE,  
(Patents 8,697,359; 8,771,945; 8,795,965; 8,865,406; 8,871,445; 8,889,356;  
8,895,308; 8,906,616; 8,932,814; 8,945,839; 8,993,233; 8,999,641  
and Application 14/704,551),

**Junior Party,**

v.

**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA**, UNIVERSITY  
OF VIENNA, and EMMANUELLE CHARPENTIER  
(Application 13/842,859),

**Senior Party.**

Patent Interference No. 106,048 (DK)

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**ORDER**  
**37 C.F.R. § 41.104(a)**

Before DEBORAH KATZ, *Administrative Patent Judge*.

1           On 30 August 2016, Senior Party (“UC”) contacted the Board by e-mail to  
2   request a conference call seeking authorization to submit new evidence and

1 testimony in response to arguments and evidence presented by Junior Party  
2 Oppositions 3 and 4. A conference call was not held.

3 It is ORDERED that UC may include a statement of the basis on which  
4 it would request a motion for authorization to submit new evidence and  
5 testimony under paragraph 122.6 of the Standing Order (Paper 2) in the notice  
6 authorized in Paper 792. No extension of the five-page limit or of the due date,  
7 7 September 2016, of the authorized notice is provided.

8 UC is NOT AUTHORIZED to file evidence with this notice, but should  
9 indicate the nature of the evidence, if any, it would rely upon if authorized to file a  
10 motion.

11 UC is NOT AUTHORIZED to file any other papers and the Junior Party is  
12 NOT AUTHORIZED to file any papers regarding this issue at this time.

Attachment: Exhibit (e-mail of 30 August 2016)

cc (via e-mail):

Attorneys for Junior Party Broad Institute:

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**EXHIBIT**

**From:** Walters, Todd [<mailto:todd.walters@bipc.com>]

**Sent:** Tuesday, August 30, 2016 8:08 PM

**To:** BOX INTERFERENCES <[BoxInterferences@USPTO.GOV](mailto:BoxInterferences@USPTO.GOV)>

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**Subject:** RE: Interference 106,048

Your Honor

Senior Party requests a telephone conference which can be combined with the conference requested on August 28, 2016 (see below). Pursuant to Standing Order paragraph 122.6, Senior Party seeks leave to submit new evidence and testimony in response to arguments and evidence presented in Junior Party Oppositions 3 and 4. If the Board does not wish a call, Senior Party requests permission to provide a submission to more fully address the merits of the request. The Parties have conferred on this matter. Junior Party objects to the requests made by Senior Party. Both Parties are available for a call this week at the convenience of the panel.

Regards,

Todd Walters