

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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JOHNSON HEALTH TECH CO. LTD. and  
JOHNSON HEALTH TECH NORTH AMERICA, INC.,  
Petitioners,

v.

ICON HEALTH & FITNESS, INC.,  
Patent Owner.

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Case IPR2014-01242  
Patent 6,193,631 B1

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Before JOSIAH C. COCKS, BRIAN J. McNAMARA, and  
CARL M. DEFRANCO, *Administrative Patent Judges*.

DEFRANCO, *Administrative Patent Judge*.

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

Petitioners requested authorization to file a Reply to Patent Owner's Preliminary Response (Paper 10) to respond to allegations that the Petition for *inter partes* review of U.S. Patent No. 6,193,631 is barred pursuant to 35 U.S.C. § 315(b). We have considered Petitioners' request. Because the statutory bar of 35 U.S.C. § 315(b) is a threshold issue, and because we determine that a Reply

would be useful in deciding the issue in this case, we grant Petitioners' request to file a Reply addressing the § 315(b) issues raised in the Preliminary Response. *See* Prelim. Resp. 3–23. The Reply shall be no longer than ten (10) pages and shall be filed no later than December 5, 2014. Patent Owner is not authorized to file a Sur-Reply.

Accordingly, it is hereby:

ORDERED that Petitioners may file a Reply limited to ten (10) pages no later than 12 pm ET on December 5, 2014, that addresses whether Petitioners are barred from filing a petition for *inter partes* review of the '631 patent pursuant to 35 U.S.C. § 315(b); and

FURTHER ORDERED that Patent Owner is not authorized to file a Sur-Reply.

PETITIONERS:

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