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Filed: September 10, 2020

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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**THE REGENTS OF THE UNIVERSITY OF CALIFORNIA, UNIVERSITY  
OF VIENNA, AND EMMANUELLE CHARPENTIER**  
Junior Party

(Applications 15/947,680; 15/947,700; 15/947,718; 15/981,807;  
15/981,808; 15/981,809; 16/136,159; 16/136,165; 16/136,168; 16/136,175;  
16/276,361; 16/276,365; 16/276,368; and 16/276,374),

v.

**THE BROAD INSTITUTE, INC., MASSACHUSETTS INSTITUTE OF  
TECHNOLOGY, and PRESIDENT AND FELLOWS OF HARVARD  
COLLEGE,**  
Senior Party

(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,  
9,840,713, and Application 14/704,551).

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Patent Interference No. 106,115 (DK)  
(Technology Center 1600)

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**Schedule – Priority Times**  
37 C.F.R. 41.104(c)

Before, DEBORAH KATZ, *Administrative Patent Judge*.

Interference 106,115

1 Further to the Decision on Motions (*see* Paper 877), the interference  
2 proceeds to a priority phase. The parties' briefs are due on the dates provided in  
3 the Appendix with the provisions indicated below.

4 A. TIME PERIODS ASSOCIATED WITH MOTIONS

5 The TIME PERIODS described below are set out in an Appendix to this  
6 ORDER. Action specified for each TIME PERIOD must be completed by the date  
7 specified for the TIME PERIOD. The filing of a request for rehearing does not toll  
8 times for taking action. 37 C.F.R. § 41.125(c)(4).

9 The parties are authorized to stipulate different times (earlier or later, but not  
10 later than TIME PERIOD 17) for TIME PERIODS 11 through 16. A notice of the  
11 stipulation must be promptly filed. The notice must be in the form of a copy of the  
12 Appendix attached to this ORDER with old dates crossed out and new dates  
13 inserted by hand. The parties may not stipulate an extension of TIME PERIOD 1  
14 or the default date for oral argument. In stipulating different times, the parties  
15 should consider the effect of the stipulation on times:

- 16 (1) to object to evidence (5 business days, Bd.R. 155(b)(1)),  
17 (2) to supplement evidence (10 business days, Bd.R. 155(b)(2)),  
18 (3) to begin cross examination (no earlier than 21 days after service,  
19 SO ¶ 157.3.1) and  
20 (4) to conclude cross examination (at least 10 days before the opposition or  
21 reply is due, SO ¶ 157.3.2).

22 As in the first phase of the interference, exhibits are not filed at the end of  
23 the schedule, but should be filed when served on the other party. An exhibit,  
24 including an affidavit, cited in connection with a motion, opposition, reply, or

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1 affidavit, must be served and filed with the motion, opposition, reply or affidavit in  
2 which the exhibit is first mentioned. Transcripts of cross examinations and  
3 depositions taken under 35 U.S.C. § 24 must be served and filed when the other  
4 exhibits in connection with a motion, opposition, or reply are filed. Exhibits  
5 should not be filed more than once. Parties should also note that a single pdf file  
6 size greater than 25 MB will need to be divided into smaller pdf files.

7 1. TIME PERIOD 11

8 The JUNIOR PARTY must file a motion on priority along with the evidence  
9 submitted.

10 If the junior party does not file a priority motion, the JUNIOR PARTY must  
11 arrange a conference call with the parties and the Board so that appropriate action  
12 may be taken.

13 2. TIME PERIOD 12

14 The SENIOR PARTY must file any priority motion along with evidence  
15 submitted.

16 3. TIME PERIOD 13

17 File oppositions to all motions along with evidence submitted, if any.

18 4. TIME PERIOD 14

19 File replies to all oppositions, along with evidence submitted, if any.

20 5. TIME PERIOD 15

21 a. File any request for oral argument on priority,

22 b. File motions to exclude evidence (Bd.R. 155(c); SO ¶ 155.2), and

23 c. File observations on cross examination (SO ¶ 157.7) of reply testimony,

24 and

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1 d. File a list of any issues other than priority that should be considered in  
2 rendering a final decision in the interference.

3 6. TIME PERIOD 16

4 a. File oppositions to an opponent's motion to exclude evidence and

5 b. File any response to observations.

6 7. TIME PERIOD 17

7 File replies to oppositions to motions to exclude evidence.

8 B. FILING EXHIBITS

9 A document larger than 25MB cannot be filed online. If a party needs to file  
10 a document larger than 25MB, unless otherwise instructed by order, please contact  
11 the board at the telephone number above to make other arrangements, such as  
12 sending a CD-ROM by Express Mail.

13 C. ORAL ARGUMENT DATE

14 If a request for oral argument (Bd.R. 124(a); TIME PERIOD 15) is granted,  
15 a date will be determined in due course, after consultation with the parties. No oral  
16 argument will occur if either no argument is requested or granted.

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22 cc (via e-mail):

23 Attorney for Junior Party

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**APPENDIX--ORDER - RULE 104(c)**  
(Times for priority motions)  
Interference 106,115

**TIME PERIOD 11** .....23 October 2020  
JUNIOR PARTY ONLY file priority motion

**TIME PERIOD 12** .....4 December 2020  
SENIOR PARTY ONLY file priority motion

**TIME PERIOD 13** .....29 January 2021  
File oppositions to all motions

**TIME PERIOD 14** .....26 February 2021  
File all replies

**TIME PERIOD 15** .....2 April 2021  
File request for oral argument  
File list of issues to be considered  
File motions to exclude  
File observations

**TIME PERIOD 16** .....23 April 2021  
File oppositions to motions to exclude  
File response to observations

**TIME PERIOD 17** .....7 May 2021  
File replies to oppositions to motions to exclude

**ORAL ARGUMENT DATE** (if ordered) .....TBD