

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SPRINT SPECTRUM, L.P.,
Petitioner,

v.

TC TECHNOLOGY LLC
Patent Owner.

Case IPR2017-00771
Patent 5,815,488

Before JEFFREY S. SMITH, THOMAS L. GIANNETTI, and CHARLES J.
BOUDREAU, *Administrative Patent Judges*.

SMITH, *Administrative Patent Judge*.

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

On May 19, 2017, a conference call was held between counsel for the parties and Judges Smith, Giannetti, and Boudreau. Petitioner provided a court reporter and stated that it will file the transcript in due course.

Petitioner initiated the conference call to request leave to submit a reply brief directed to the issue of the publication date of Exhibit 1005, raised by Patent Owner in the Preliminary Response (Paper 9). Patent Owner opposed, asserting that the Petitioner is required to establish evidence of the date of publication of this reference in the Petition.

Upon consideration of the parties' discussion, the Board determines that supplemental briefing on this issue is not necessary prior to its decision on institution. Our rules do not provide for a reply to a Preliminary Response, and Petitioner did not provide a sufficient showing of good cause to persuade us to deviate from our rules. Nor does the Board believe that additional briefing on this issue will be helpful.

It is, therefore,

ORDERED that Petitioner's request for leave to file a reply to the Preliminary Response is denied.

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PETITIONER:

James Murphy
Margaux Savee
POLSINELLI PC
jpmurphy@polsinelli.com
msavee@polsinelli.com

Christine Guastello
Elena McFarland
SHOOK, HARDY & BACON L.P.
cguastello@shb.com
emcfarland@shb.com

PATENT OWNER:

Lawrence J. Gotts
Jonathan M. Strang
Saswat Misra
LATHAM & WATKINS LLP
lawrence.gotts@lw.com
jonathan.strang@lw.com
saswat.misra@lw.com