

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

INFOBIONIC, INC.,
Petitioner,

v.

BRAEMAR MANUFACTURING, LLC,
Patent Owner.

Case IPR2017-00796
Patent RE43,767 E

Before KEVIN W. CHERRY and MICHAEL L. WOODS,
Administrative Patent Judges.

WOODS, *Administrative Patent Judge.*

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

During a conference call with the parties on March 20, 2018, Braemar Manufacturing, LLC (“Patent Owner”) requested permission to file a sur-reply brief in response to Infobionic, Inc.’s (“Petitioner’s”) reply brief. Specifically, Patent Owner seeks permission to file sur-reply brief—in lieu of a motion for observation regarding cross-examination of reply witness—to address what Patent Owner characterizes as new arguments raised by Petitioner in Petitioner’s reply brief. Petitioner opposes Patent Owner’s request, but, if granted, requests permission to file a sur-reply brief in response to Patent Owner’s brief.

In consideration of the foregoing, it is hereby:

ORDERED that on or before March 31, 2018, (stipulated Due Date 4 (Paper 20)), Patent Owner may file a sur-reply brief, not to exceed 10 pages, in lieu of a motion for observation regarding cross-examination of reply witness; and

FURTHER ORDERED that Petitioner may, but is not required to, file a sur-reply brief, not to exceed 5 pages, in response to Patent Owner’s sur-reply brief, if filed within 1-week Patent Owner’s sur-reply brief.

IPR2017-00796
Patent No. RE43,767 E

For PETITIONER:

Charles Sanders
charles.sanders@lw.com

Jonathan Strang
jonathan.strang@lw.com

Kristopher Davis
kris.davis@lw.com

For PATENT OWNER:

Ching-Lee Fukuda
clfukuda@sidley.com

Bradford Badke
jbadke@sidley.com

Thomas Broughan
tbroughan@sidley.com