

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

RPX CORPORATION AND VIMEO, INC.,
Petitioner,

v.

LINK ENGINE TECHNOLOGIES LLC,
Patent Owner.

Case IPR2017-00886
Patent 7,480,694 B2

Before RAMA G. ELLURU, SCOTT A. DANIELS, and
DANIEL J. GALLIGAN, *Administrative Patent Judges*.

DANIELS, *Administrative Patent Judge*.

ORDER

Authorizing Petitioner to File Sur-Reply
37 C.F.R. § 42.5(a)

Petitioner requested, by an email dated March 21, 2018, a conference call with the Board seeking authorization to file a Sur-reply to Patent Owner's Reply (Paper 19) to Petitioner's Opposition (Paper 18), all resulting from Patent Owner's Contingent Motion to Amend (Paper 16) filed November 22, 2017.

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The Board conducted a telephone conference with the parties on March 27, 2018. Petitioner expressed its concerns during the call that Patent Owner's Reply mischaracterized certain factual assertions made by Petitioner in its Opposition. Petitioner indicated that it desired a short brief to clarify its assertions relevant to these factual matters. Patent Owner opposes the Sur-reply, arguing that Petitioner had already submitted a 19 page Opposition and that, where Patent Owner was the moving party, Petitioner had already been provided with ample opportunity to present sufficiently its opposition to the Motion to Amend.

Taking into account the procedural posture of this case, including the Contingent Motion to Amend and related briefs, the Board authorizes Petitioner a Sur-reply, limited to four pages and addressing only the relevant assertions and facts necessary to clarify its Opposition.

Accordingly, it is

ORDERED that Petitioner is authorized to file a four page Sur-reply to Patent Owner's Reply to Petitioner's Opposition no later than April 3, 2018;

FURTHER ORDERED that no new evidence shall be submitted with or addressed in the Sur-Reply; and

FURTHER ORDERED that no other documents besides the Sur-reply Order are authorized to be filed in these proceedings.

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