

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SAMSUNG ELECTRONICS CO., LTD.,
Petitioner,

v.

HUAWEI TECHNOLOGIES CO., LTD.,
Patent Owner.

Case IPR2017-01471 (Patent 8,412,197 B2)
Case IPR2017-01472 (Patent 8,369,278 B2)
Case IPR2017-01473 (Patent 8,885,583 B2)
Case IPR2017-01474 (Patent 8,639,246 B2)
Case IPR2017-01475 (Patent 8,996,003 B2)
Case IPR2017-01483 (Patent 8,483,166 B2)
Case IPR2017-01487 (Patent 8,812,848 B2)¹

Before TREVOR M. JEFFERSON and JOHN F. HORVATH,
Administrative Patent Judges.

HORVATH, *Administrative Patent Judge.*

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

¹ This Order applies to each of the listed cases. We exercise our discretion to issue one Order to be docketed in each case. The parties, however, are not authorized to use this caption for any subsequent papers.

IPR2017-01471 (Patent 8,412,197 B2)
IPR2017-01472 (Patent 8,369,278 B2)
IPR2017-01473 (Patent 8,885,583 B2)
IPR2017-01474 (Patent 8,639,246 B2)
IPR2017-01475 (Patent 8,996,003 B2)
IPR2017-01483 (Patent 8,483,166 B2)
IPR2017-01487 (Patent 8,812,848 B2)

On August 24, 2018, Huawei Technologies Co., Ltd. (“Patent Owner”) contacted the Board requesting authorization to file sur-replies to the replies filed by Samsung Electronics Co., Ltd. (“Petitioner”) in each of the above identified cases. Patent Owner represented that it met and conferred with Petitioner, and that Petitioner agreed not to oppose Patent Owner’s request in order to avoid excessive motions practice.

Given Petitioner’s non-objection, and the recent changes² to the Trial Practice Guide allowing patent owners to file sur-replies that (a) respond to arguments made in principle reply briefs, (b) comment on reply declaration testimony, or (c) point to cross-examination testimony, Patent Owner’s request is *granted*. Patent Owner may file a sur-reply in each of the above identified cases limited to the topics identified above. Any such sur-reply must be filed no later than September 10, 2018, and may not exceed 7 pages in length.

ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s request to file a sur-reply in each of IPR2017-01471, IPR2017-01472, IPR2017-01473, IPR2017-01474, IPR2017-01475, IPR2017-01483, and IPR2017-01487 is *granted*;

² See *Office Patent Trial Practice Guide, August 2018 Update* (August 13, 2018) (available at <https://go.usa.gov/xU7GP>).

IPR2017-01471 (Patent 8,412,197 B2)
IPR2017-01472 (Patent 8,369,278 B2)
IPR2017-01473 (Patent 8,885,583 B2)
IPR2017-01474 (Patent 8,639,246 B2)
IPR2017-01475 (Patent 8,996,003 B2)
IPR2017-01483 (Patent 8,483,166 B2)
IPR2017-01487 (Patent 8,812,848 B2)

FURTHER ORDERED that Patent Owner's sur-replies, in each of the cases enumerated above, are respectively limited to (a) responding to arguments made in Petitioner's reply brief, (b) commenting on any reply declaration testimony, or (c) pointing out relevant cross-examination testimony of any reply declarant;

FURTHER ORDERED that Patent Owner's sur-replies, in each of the cases enumerated above, are respectively limited to 7 pages in length; and

FURTHER ORDERED that Patent Owner's sur-replies, in each of the cases enumerated above, are respectively due no later than September 10, 2018.

IPR2017-01471 (Patent 8,412,197 B2)
IPR2017-01472 (Patent 8,369,278 B2)
IPR2017-01473 (Patent 8,885,583 B2)
IPR2017-01474 (Patent 8,639,246 B2)
IPR2017-01475 (Patent 8,996,003 B2)
IPR2017-01483 (Patent 8,483,166 B2)
IPR2017-01487 (Patent 8,812,848 B2)

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