

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

PFIZER, INC. and CELLTRION, INC.,
Petitioner,

v.

GENENTECH, INC.,
Patent Owner.

Case IPR2017-01923¹
Patent 7,976,838 B2

Before SHERIDAN K. SNEDDEN and JACQUELINE T. HARLOW,
Administrative Patent Judges.

SNEDDEN, *Administrative Patent Judge.*

ORDER

Granting Patent Owner's Request for Authorization to File a Sur-Reply
37 C.F.R. §§ 42.5(a), 42.24(c)(1)

¹ Case IPR2018-01019 has been joined with this proceeding.

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The Board recently issued guidance in the form of a “Trial Practice Guide Update,” dated August 2018 (“Practice Guide Update”). *See* 83 Fed. Reg. 38,989 (Aug. 13, 2018) (notifying the public of the updated “Practice Guide” and its accessibility through the USPTO website: <https://go.usa.gov/xU7GP>).

In an email sent to the Board on November 15, 2018, counsel for Patent Owner requested authorization to file a sur-reply per the Practice Guide Update. The relevant portion of the email reads as follows:

Patent Owner respectfully seeks a call to request authorization to file a sur-reply instead of observations on cross based on the guidance in the updated August 2018 Trial Practice Guide. Patent Owner proposes that the sur-reply be due on December 18th. Petitioner Pfizer does not oppose this request.

We grant Patent Owner’s unopposed request to file a sur-reply that conforms to the word limit applicable to reply briefs; namely, the 5,600 word count. *See* 37 C.F.R. 42.24(c)(1) (applicable word count). As indicated by Patent Owner, the parties agree that the sur-reply is due by December 18, 2018.

Accordingly, it is

ORDERED that Patent Owner’s request for authorization to file a sur-reply is *granted*;

FURTHER ORDERED that the sur-reply is due by December 18, 2018 and shall comply with the 5,600 word count limit applicable to reply briefs.

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