

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

HYTERA COMMUNICATIONS CORP. LTD.,
Petitioner,

v.

MOTOROLA SOLUTIONS, INC.,
Patent Owner.

Case IPR2018-00176
Patent 6,591,111 B1

Before TREVOR M. JEFFERSON, DANIEL N. FISHMAN, and
PATRICK M. BOUCHER, *Administrative Patent Judges*.

BOUCHER, *Administrative Patent Judge*.

ORDER

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

By email correspondence to the Board, Patent Owner requests
authorization to file a sur-reply in this proceeding, in accordance with the

2018 Revised Trial Practice Guide.¹ In its email correspondence, Patent Owner represents that “Petitioner informed Patent Owner that it does not oppose this request.”

Authorization is granted to file a sur-reply, in lieu of a motion for observations on cross-examination, by Due Date 4, which the parties have modified by stipulation to be January 11, 2019. Paper 22. The sur-reply must comply with the provisions set forth in the Revised Trial Practice Guide, specifically:

The sur-reply may not be accompanied by new evidence other than deposition transcripts of the cross-examination of any reply witness. Sur-replies should only respond to arguments made in reply briefs, comment on reply declaration testimony, or point to cross-examination testimony. . . . [A] sur-reply may address the institution decision if necessary to respond to the petitioner’s reply.

Trial Practice Guide Update, 14. The sur-reply is subject to the same word limit as the reply. *Id.* at 6; *see* 37 C.F.R. § 42.24(c)(1).

It is

ORDERED that Patent Owner is authorized to file a sur-reply as specified above.

¹ The Trial Practice Guide Update is available at https://www.uspto.gov/sites/default/files/documents/2018_Revised_Trial_Practice_Guide.pdf

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