

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE PATENT TRIAL AND APPEAL BOARD

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SONY CORPORATION, SONY MOBILE COMMUNICATIONS (USA) INC.,  
SONY MOBILE COMMUNICATIONS AB, and SONY MOBILE  
COMMUNICATIONS INC.,  
Petitioner,

v.

CREATIVE TECHNOLOGY LIMITED,  
Patent Owner.

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Case IPR2016-01407  
Patent 6,928,433

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Before THOMAS L. GIANNETTI, PATRICK M. BOUCHER, and  
MELISSA A. HAAPALA, *Administrative Patent Judges*.

HAAPALA, *Administrative Patent Judge*.

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

In email correspondence to the Board, which we have entered as Exhibit 3002, Patent Owner requests authorization, under 37 C.F.R § 42.20(b), to file a motion to strike portions of Petitioner’s Reply, portions of the Reply Declaration of Dr. Bederson (Ex. 1020), and Exhibits 1022–1024. Ex. 3002. Patent Owner argues that Petitioner’s Reply and exhibits raise issues and arguments that are outside the proper scope of a reply, raise new issues that could have been raised in the petition, and violate Patent Owner’s due process rights. *Id.* Patent Owner indicates in its correspondence that it has conferred with counsel for Petitioner, and that “Petitioner opposes this motion.” *Id.*

“A reply may only respond to arguments raised in the corresponding . . . patent owner response.” 37 C.F.R. § 42.23(b). We have considered Patent Owner’s request and determine that briefing on a motion to strike is not warranted at this time. We will evaluate Petitioner’s Reply and supporting evidence and determine whether they contain material exceeding the proper scope when we review the record and prepare the final written decision.

If oral hearing is requested by the parties, Patent Owner may, if it chooses, argue at the hearing that Petitioner’s Reply contains arguments and evidence that are beyond the proper scope permitted under the rules. If Patent Owner chooses to make such an argument at the oral hearing, Petitioner will be given an opportunity to respond.

It is

ORDERED that Patent Owner is not authorized to file a motion to strike portions of Petitioner’s Reply and Exhibits 1020, 1022–1024.

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