

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

KVK-TECH, INC.,
Petitioner,

v.

SHIRE PLC,
Patent Owner.

Case IPR2018-00290 (Patent 8,846,100 B2)
Case IPR2018-00293 (Patent 9,173,857 B2)¹

Before RAMA G. ELLURU, SHERIDAN K. SNEDDEN, and
DEVON ZASTROW NEWMAN, *Administrative Patent Judges*.

ELLURU, *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 This Decision addresses issues that are the same in the above-identified proceedings. We exercise our discretion to issue one Decision to be entered in each proceeding. The parties are not authorized to use this joint heading and filing style in their papers.

IPR2018-00290 (Patent 8,846,100 B2)
IPR2018-00293 (Patent 9,173,857 B2)

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 February 13, 2019, 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 requests authorization to file a sur-reply to the petition on Due Date 4 in lieu of observations, consistent with the conditions set forth in the Trial Practice Guide Update (August 2018). Petitioner does not oppose this request on condition that it receives authorization to file a response to Patent Owner’s sur-reply on Due Date 5, in lieu of a response to observations as provided in the Scheduling Order.

Petitioner requests authorization to file a response to Patent Owner’s sur-reply on Due Date 5 in lieu of a response to observations. Patent Owner does not oppose this request.

We grant Patent Owner’s unopposed request to file a sur-reply. The sur-reply shall not exceed five pages. As indicated by Patent Owner, the parties agree that the sur-reply is due by Due Date 4. In addition, we grant Petitioner’s unopposed request to file a response to Patent Owner’s sur-reply. The response shall not exceed five pages. As indicated by Patent Owner, the parties agree that Petitioner’s response is due by Due Date 5.

Accordingly, it is

ORDERED that Patent Owner is granted authorization to file a sur-reply, not exceeding five pages, due by Due Date 4; and

IPR2018-00290 (Patent 8,846,100 B2)

IPR2018-00293 (Patent 9,173,857 B2)

FURTHER ORDERED that Petitioner is granted authorization to file a response to Patent Owner's sur-reply, not to exceed five pages, due by Due Date 5.

IPR2018-00290 (Patent 8,846,100 B2)

IPR2018-00293 (Patent 9,173,857 B2)

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