

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

UNIFIED PATENTS INC.,
Petitioner,

v.

BRADIUM TECHNOLOGIES LLC,
Patent Owner.

Case IPR2018-00952
Patent 9,253,239 B2

Before BRIAN J. McNAMARA and MINN CHUNG,
Administrative Patent Judges.

CHUNG, *Administrative Patent Judge.*

ORDER
Conduct of the Proceedings
37 C.F.R. § 42.5(a)

I. DISCUSSION

Patent Owner Bradium Technologies LLC (“Patent Owner”) contacted the Board via e-mail dated November 15, 2018, requesting authorization to file a sur-reply to Petitioner’s reply to Patent Owner’s Preliminary Response. In the e-mail, Patent Owner asserts that good cause exists because Petitioner’s reply discusses the Board’s institution decision in *Unified Patents Inc. v. Realtime Adaptive Streaming, LLC*, Case IPR2018-00883, which issued after Patent Owner’s Preliminary Response was filed. The e-mail indicates that Petitioner Unified Patents Inc. (“Petitioner”) does not oppose Patent Owner’s request.

After consideration of the matter, we determine good cause exists for Patent Owner’s request and therefore authorize Patent Owner to file a sur-reply to Petitioner’s reply to Patent Owner’s Preliminary Response. *See* 37 C.F.R. § 42.108(c); *see also* 37 C.F.R. § 42.20(d) (“The Board may order briefing on any issue involved in the trial.”). In view of our determination, no conference call is necessary at this time.

II. ORDER

In consideration of the foregoing, it is hereby:

ORDERED that Patent Owner’s request for authorization to file a sur-reply to Petitioner’s reply (Paper 25) to Patent Owner’s Preliminary Response is *granted*;

FURTHER ORDERED that the sur-reply is limited to addressing the factual assertions and legal arguments made in Petitioner’s reply regarding real-parties-in-interest;

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FURTHER ORDERED that Patent Owner may not file new evidence with the sur-reply;

FURTHER ORDERED that the sur-reply is not to exceed 6 pages; and

FURTHER ORDERED that the sur-reply is to be filed no later than December 3, 2018.

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